

1 [Building, Business and Tax Regulations Codes - Temporary Homeless Shelter Provisions
2 During Shelter Crisis]

3 **Ordinance amending the Building Code to adopt standards for constructing homeless**
4 **shelters, and to create an alternative approval procedure for homeless shelters, during**
5 **a shelter crisis, pursuant to California Government Code, Section 8698.4; amending the**
6 **Business and Tax Regulations Code to provide for an expedited permit appeals**
7 **process for homeless shelters during a shelter crisis; affirming the Planning**
8 **Department's determination under the California Environmental Quality Act; and**
9 **directing the Clerk of the Board of Supervisors to forward this Ordinance to the**
10 **California Building Standards Commission and the California Department of Housing**
11 **and Community Development upon final passage.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

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

20 Section 1. Findings.

21 (a) In April 2016, the City enacted Ordinance No. 57-16, declaring, pursuant to
22 California Government Code Sections 8698 through 8698.2, a shelter crisis in the City and
23 County of San Francisco. In that ordinance, the Board of Supervisors found that in January
24 2015, there were 6,686 individuals in San Francisco who were homeless. Since that time, the
25 shelter crisis has grown. According to the January 2017 Point in Time Homeless Count
administered by the Department of Homelessness and Supportive Housing (HSH), there were

1 approximately 7,499 people experiencing homelessness in San Francisco on a single night.
2 Of those persons, 58% were unsheltered, 21% were under the age of 25 years, and 32%
3 were over the age of 51 years with attendant deteriorating physical and mental health.

4 (b) Since enactment of Ordinance No. 57-16, the Legislature amended the
5 California Government Code to add Section 8698.4, which allows the cities of Berkeley,
6 Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City
7 and County of San Francisco—upon declaring the existence of a shelter crisis, that a
8 significant number of persons within the jurisdiction are without the ability to obtain shelter,
9 and that state and local standards prevent, hinder, or delay efforts to mitigate the crisis—to
10 adopt by ordinance standards and procedures for the design, site development, and operation
11 of homeless shelters in lieu of complying with local building approval procedures, state
12 housing, health, habitability, planning and zoning, or safety standards, procedures, and laws.

13 (c) Pursuant to California Government Code Section 8698.4, the Board of
14 Supervisors affirms that the shelter crisis still exists in the City, and, further, finds that the
15 building approval process requiring homeless shelters on City owned or leased property to go
16 through the standard building permit process for construction, repair, or siting prevents,
17 hinders, and delays efforts to mitigate the shelter crisis. In lieu of strict compliance with the
18 standard building permit process, the Board adopts the optional, streamlined approval
19 process for City owned and operated homeless shelters as codified in this ordinance. The
20 optional approval process allows City departments proposing construction or repair of
21 homeless shelters to select a streamlined review and approval process, where review is
22 performed in an expedited manner by the applicable City agencies and culminates in a written
23 determination of compliance. The alternative approval process still requires that homeless
24 shelters comply with all applicable building, health, habitability, and life safety standards.
25

1 (d) Pursuant to California Government Code Section 8698.4, the Board of
2 Supervisors also finds that the Building Code's lack of provisions for emergency housing
3 prevents, hinders, and delays efforts to mitigate the shelter crisis. The Board finds that
4 adoption of the provisions for emergency housing contained in 2016 California Building Code
5 Appendix N, subject to modifications provided in this ordinance, would mitigate the effects of
6 the shelter crisis by allowing the City to expedite construction of, or conversion of existing
7 structures to, safe and habitable shelters.

8 (e) The Planning Department has determined that the actions contemplated in this
9 ordinance comply with the California Environmental Quality Act (California Public Resources
10 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
11 Supervisors in File No. 190045 and is incorporated herein by reference. The Board affirms
12 this determination.

13 (f) On February 20, 2019, the Building Inspection Commission considered this
14 ordinance at a duly noticed public hearing pursuant to Charter Section D3.750-5.

15
16 Section 2. Statement of Local Conditions under California Health and Safety Code
17 Section 17958.7.

18 (a) The amendment to Section 106A.2 modifies administrative procedures within
19 San Francisco's Building Code and does not amount to a change in a building standard within
20 the California Building Code that requires local findings. Nonetheless, local conditions,
21 including fluctuating rainfall due to changes in climatic conditions and topographical
22 constraints that led to dense development with few viable sites for constructing emergency
23 housing, necessitate providing an expedited approval process to secure sites and provide
24 shelter from fluctuating and intense climate conditions in an expedited manner.

1 (b) The amendment to Section N101.1 of Appendix N of the 2016 California
2 Building Code defines the scope of application of the Emergency Housing provisions, and
3 does not alter a building standard such that local findings are necessary.

4 (c) The addition of Exception 2 to N103.2.1 of Appendix N of the 2016 California
5 Building Code is necessary because San Francisco's topographical and geographic
6 limitations resulted in dense development, very few vacant sites for new housing, and a stock
7 of existing buildings on narrow lots and constructed to property lines rendering it infeasible, for
8 a large number of potential sites for temporary homeless shelters, to be rebuilt to new
9 construction standards on the basis of a temporary change in occupancy.

10 (d) The addition of Section N103.7 to Appendix N of the 2016 California Building
11 Code requires a lighting fixture and continuous electricity for emergency housing units. This
12 addition is necessary because San Francisco's prevailing winds often push dense fog and
13 cloud cover over the City combined with dense development results in potentially less natural
14 light for emergency housing units and the need for light fixtures and outlets to power
15 supplemental lighting.

16 (e) The amendment to Section N110.2 of Appendix N of the 2016 California
17 Building Code references compliance with food safety provisions of the California Health and
18 Safety Code and is not a modification to a building standard requiring a local finding.

19 (f) The addition of Sections N111.1 through N111.13 and N112.1 to Appendix N of
20 the 2016 California Building Code is necessary to provide minimum fire and life safety
21 requirements—including fire separation distances; building separation; egress; emergency
22 escape and rescue; smoke, carbon monoxide, and fire alarms; fire sprinkler and
23 extinguishers; flammable or combustible liquids; storage; fire department access; and water
24 supply—that account for the unique fire risks and building constraints posed by the high
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1 density of buildings on very small lots, buildings built up to the property lines, and San
2 Francisco's steep hills topography.

3
4 Section 3. Chapter 106A of the Building Code is hereby amended by revising Section
5 106A.2 to read as follows:

6 **106A.2 Work exempt from permit.** Exemptions from the permit requirements of this
7 code shall not be deemed to grant authorization for any work to be done in any manner in
8 violation of the provisions of this code or any other laws or ordinances of this jurisdiction. A
9 building permit shall not be required for the following:

10 * * * *

11 23. Construction or repair of a homeless shelter located on City owned or leased land
12 during a declared shelter crisis where the work complies with all the following alternative approval
13 process conditions: (a) the City agency proposing the construction or repair submits written notice to
14 the Clerk of the Board of Supervisors of the agency's intention to invoke this subsection 106A.2(23) and
15 60 days elapse without the City enacting an ordinance restricting the agency's invocation of this
16 subsection; (b) the City agency proposing the siting, construction, or repair submits all information
17 required under Section 106A.3.1 to the Department; (c) the Department routes the information
18 regarding the proposed work to all bureaus, departments, or agencies that are required to review and
19 approve such construction or repair as required under applicable ordinances and laws, including the
20 Fire Marshal, Chief Harbor Engineer of the Port of San Francisco (if applicable), and the Departments
21 of Public Works, Planning, and Public Health; (d) the Department receives written confirmation from
22 the Directors of each applicable bureau, department, and agency that the proposed work complies with
23 all ordinances and laws subject to their authority; (e) the Department confirms that the proposed work
24 complies with all applicable provisions of this Building Code and that the Department has received
25 written confirmation of compliance from all applicable bureaus, departments, and agencies; and (f) the

1 Department issues a written determination of compliance that contains all the information required
2 under Section 106A.4.

3
4 Section 4. Appendix N of the 2016 California Building Code is hereby adopted subject
5 to the modifications set forth in underline and italics below:

6 **APPENDIX N**
7 **EMERGENCY HOUSING**
8 **SECTION N101**
9 **GENERAL**

10 **N101.1 Scope.** This appendix shall be applicable to emergency housing and
11 emergency housing facilities, as defined in Section N102. The provisions and standards set forth
12 in this appendix shall be applicable to emergency housing established pursuant to the declaration of a
13 shelter crisis under Government Code section 8698 et seq. and located in new or existing buildings,
14 structures, or facilities owned, operated, erected, or constructed by, for, or on behalf of the City and
15 County of San Francisco on land owned or leased by the City and County of San Francisco.

16 **SECTION N102**
17 **DEFINITIONS**

18 **N102.1 General.** The following words and terms shall, for the purposes of this
19 appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general
20 definitions.

21 **DECLARATION OF SHELTER CRISIS.** The duly proclaimed existence of a situation in
22 which a significant number of persons are without the ability to obtain shelter, resulting in a
23 threat to their health and safety. (See Government Code Section 8698)

1 **DEPENDENT UNIT.** Emergency housing not equipped with a kitchen area, toilet, and
2 sewage disposal system. Recreational vehicles that are not self-contained and without utility
3 service connections shall be considered dependent units.

4 **EMERGENCY HOUSING.** Housing in a permanent or temporary structure(s), occupied
5 during a declaration of state of emergency, local emergency, or shelter crisis. Emergency
6 housing may include, but is not limited to, buildings and structures constructed in accordance
7 with the California Building Standards Code; and emergency sleeping cabins, emergency
8 transportable housing units, and tents constructed and/or assembled in accordance with this
9 appendix.

10 **EMERGENCY HOUSING FACILITIES.** On-site common use facilities supporting
11 emergency housing. Emergency housing facilities include, but are not limited to, kitchen
12 areas, toilets, showers and bathrooms with running water. The use of emergency housing
13 facilities is limited exclusively to the occupants of the emergency housing, personnel involved
14 in operating the housing, and other emergency personnel.

15 **EMERGENCY HOUSING SITE.** A site containing emergency housing and emergency
16 housing facilities supporting the emergency housing.

17 **EMERGENCY SLEEPING CABIN.** Relocatable hard-sided structure constructed in
18 accordance with this appendix, which may be occupied only for emergency housing if allowed
19 by the authority having jurisdiction.

20 **EMERGENCY TRANSPORTABLE HOUSING UNIT.** A single or multiple section
21 prefabricated structure that is transportable by a vehicle and that can be installed on a
22 permanent or temporary site in response to a need for emergency housing. Emergency
23 transportable housing units include, but are not limited to, manufactured homes,
24 mobilehomes, multifamily manufactured homes, recreational vehicles, and park trailers. For
25

1 the purposes of this appendix, emergency transportable housing units do not include factory-
2 built housing as defined in the Health and Safety Code Section 19971.

3 **LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a
4 loft.

5 **LOCAL EMERGENCY.** Local Emergency as defined in the Government Code, Section
6 8558.

7 **LOFT.** A floor level located more than 30 inches (762 mm) above the main floor and
8 open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm),
9 used as a living or sleeping space.

10 **MANUFACTURED HOME.** A structure designed to be used as a single-family dwelling,
11 as defined in the Health and Safety Code, Section 18007.

12 **MOBILEHOME.** A structure designed to be used as a single-family dwelling, as defined
13 in the Health and Safety Code, Section 18008.

14 **MULTIFAMILY MANUFACTURED HOME.** A structure designed to contain not less
15 than two dwelling units, as defined in the Health and Safety Code, Section 18008.7.

16 **PARK TRAILER.** A trailer designed for human habitation that meets all requirements in
17 the Health and Safety Code, Section 18009.3.

18 **RECREATIONAL VEHICLE.** A motor home, travel trailer, truck camper, or camping
19 trailer, with or without motive power, designed for human habitation, that meets all
20 requirements in the Health and Safety Code, Section 18010.

21 **STATE OF EMERGENCY.** State of Emergency as defined in the Government Code,
22 Section 8558.

23 **SECTION N103**
24 **EMERGENCY HOUSING**
25

1 **N103.1 General.** Emergency sleeping cabins, emergency transportable housing units,
2 and tents constructed and/or assembled in accordance with this appendix, shall be occupied
3 only during declaration of state of emergency, local emergency, or shelter crisis.

4 Buildings and structures constructed in accordance with the California Building
5 Standards Code, used as emergency housing, shall be permitted to be permanently occupied.

6 **N103.2 Existing buildings.** Existing residential and nonresidential buildings or
7 structures shall be permitted to be used as emergency housing and emergency housing
8 facilities provided such buildings or structures comply with the building code provisions and/or
9 other regulations in effect at the time of original construction and/or alteration. Existing
10 buildings or structures used as emergency housing shall not become or continue to be
11 substandard buildings, as determined by the Authority Having Jurisdiction.

12 **N103.2.1 New additions, alterations, and change of occupancy.** New additions,
13 alterations, and change of occupancy to existing buildings shall comply with the requirements
14 of the California Building Standards Code effective at the time of addition, alteration, or
15 change of occupancy. The requirements shall apply only to and/or within the specific area of
16 the addition, alteration, or change of occupancy.

17 **Exceptions:**

18 1. Existing buildings and structures used for emergency housing and emergency
19 housing facilities may not be required to comply with the California Energy Code, as
20 determined by the Authority Having Jurisdiction.

21 2. *Change in occupancy shall not mandate conformance with new construction*
22 *requirements set forth in the California Building Standards Code, provided such change in occupancy*
23 *meets the minimum fire and safety requirements set forth in Section N111 of this appendix.*

24 **N103.3 Occupant load.** Except as otherwise stated in this appendix, the maximum
25 occupant load allowed in buildings and structures used as emergency housing shall be

1 determined by the Authority Having Jurisdiction, but the interior floor area shall not be less
2 than 70 square feet (6.5 m2) for one occupant. Where more than one person occupies the
3 building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65
4 m2) for each occupant in excess of one.

5 **Exceptions:**

6 1. Tents.

7 2. Recreational vehicles and park trailers designed for human habitation that
8 meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as
9 applicable.

10 **N103.4 Fire and life safety requirements not addressed in this appendix.** If not
11 otherwise addressed in this appendix, fire and life safety measures, including, but not limited
12 to, means of egress, fire separation, fire sprinklers, smoke alarms, and carbon monoxide
13 alarms, shall be determined and enforced by the Authority Having Jurisdiction.

14 **N103.5 Privacy.** Emergency housing shall be provided with a privacy lock on each
15 entrance door and all windows for use by the occupants.

16 **N103.6 Heating.** All sleeping areas shall be provided with adequate heating as
17 determined by the Authority Having Jurisdiction.

18 *N103.7 Electrical. Emergency housing shall be provided with all of the following installed in*
19 *compliance with the California Electrical Code:*

20 *1. Continuous source of electricity.*

21 *Exception: The source of electricity may be solar power or emergency generator.*

22 *2. At least one interior lighting fixture.*

23 **SECTION N104**

24 **EMERGENCY SLEEPING CABINS**

1 **N104.1 General.** Emergency sleeping cabins shall have an interior floor area of not
2 less than 70 square feet (6.5 m²) for one occupant. Where more than one person occupies
3 the cabin, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for
4 each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37
5 m²), excluding lofts.

6 **N104.2 Live loads.** Emergency sleeping cabins shall be designed to resist intrusion of
7 wind, rain, and to support the following live loads:

8 1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.

9 2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall
10 and roof area.

11 3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof
12 area.

13 4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the
14 roof shall be designed and constructed to resist these additional loads.

15 **N104.3 Minimum ceiling height.** Habitable space and hallways in emergency
16 sleeping cabins shall have a ceiling height of not less than 80 inches (2032 mm). Bathrooms,
17 toilet rooms, and kitchens, if provided, shall have a ceiling height of not less than 76 inches
18 (1930 mm). Obstructions shall not extend below these minimum ceiling heights including
19 beams, girders, ducts, lighting and other obstructions.

20 **Exception:** Ceiling heights in lofts constructed in accordance with Section N108
21 are permitted to be less than 80 inches (2032 mm).

22 **N104.4 Means of egress.** Emergency sleeping cabins shall be provided with at least
23 two forms of egress placed remotely from each other. One form of egress may be an egress
24 window complying with Section N104.4.1. When a loft is provided, one form of egress shall be
25 an egress window complying with Section N104.4.1, provided in the loft space.

1 **N104.4.1 Egress window.** The bottom of the clear opening of the egress
2 window shall not be more than 44 inches (1118 mm) above the floor. The egress window shall
3 have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear
4 opening width of 20 inches (508 mm). The egress window shall have a minimum net clear
5 opening area of 5 square feet (0.465 m²).

6 **N104.5 Plumbing and gas service.** If an emergency sleeping cabin contains plumbing
7 or gas service, it shall comply with all applicable requirements of the California Plumbing
8 Code and the California Mechanical Code.

9 **N104.6 Electrical.** Emergency sleeping cabins shall be provided with all of the
10 following installed in compliance with the California Electrical Code:

- 11 1. Continuous source of electricity.

12 **Exception:** The source of electricity may be solar power or emergency
13 generator.

- 14 2. At least one interior lighting fixture.

15 3. Electrical heating equipment listed for residential use and a dedicated receptacle
16 outlet for the electrical heating equipment.

- 17 4. At least one GFCI-protected receptacle outlet for use by the occupant(s).

18 **N104.7 Ventilation.** Emergency sleeping cabins shall be provided with means of
19 ventilation (natural and/or mechanical) allowing for adequate air replacement, as determined
20 by the Authority Having Jurisdiction.

21 **N104.8 Smoke alarms.** Emergency sleeping cabins shall be provided with at least one
22 smoke alarm installed in accordance with the California Residential Code, Section R314.

23 **N104.9 Carbon monoxide alarms.** If an emergency sleeping cabin contains a fuel-
24 burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in
25 accordance with the California Residential Code, Section R315.

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SECTION N105

EMERGENCY TRANSPORTABLE HOUSING UNITS

N105.1 General. Manufactured homes, mobilehomes, multifamily manufactured homes, recreational vehicles, and park trailers used as emergency transportable housing shall comply with all applicable requirements in the Health and Safety Code, Division 13, Part 2; and Title 25, Division 1, Chapter 3, Subchapter 2.

SECTION N106

TENTS

N106.1 General. Tents shall not be used to house occupants for more than 7 days unless such tents are maintained with tight wooden floors raised at least 4 inches (101.6 mm) above the ground level and are equipped with baseboards on all sides to a height of at least 6 inches (152.4 mm). Tents may be maintained with concrete slabs with the finished surface at least 4 inches (101.6 mm) above grade and equipped with curbs on all sides at least 6 inches (152.4 mm) high.

A tent shall not be considered a suitable sleeping place when it is found necessary to provide heating facilities in order to maintain a minimum temperature of 50 degrees Fahrenheit (10 degrees Celsius) within such tent during the period of occupancy.

SECTION N107

ACCESSIBILITY

N107.1 General. Emergency housing shall comply with the applicable requirements in Chapter 11B and/or the US Access Board Final Guidelines for Emergency Transportable Housing.

Note: The Architectural and Transportation Barriers Compliance Board (US Access Board) issued the Final Guidelines for Emergency Transportable Housing on May 7, 2014. The final guidelines amended the 2004 ADA Accessibility Guidelines (2004 ADAAG) and the

1 2004 Architectural Barriers Act (ABA) Accessibility Guidelines (2004 ABAAG) to specifically
2 address emergency transportable housing units provided to disaster survivors by entities
3 subject to the ADA or ABA. The final rule ensures that the emergency transportable housing
4 units are readily accessible to and usable by disaster survivors with disabilities.

5 **SECTION N108**

6 **LOFTS IN EMERGENCY HOUSING**

7 **N108.1 Minimum loft area and dimensions.** Lofts used as a sleeping or living space
8 shall meet the minimum area and dimension requirements of Sections N108.1.1 through
9 N108.1.3.

10 **N108.1.1 Minimum area.** Lofts shall have a floor area of not less than 35
11 square feet (3.25 m²).

12 **N108.1.2 Minimum dimensions.** Lofts shall be not less than 5 feet (1524 mm)
13 in any horizontal dimension.

14 **N108.1.3 Height effect on loft area.** Portions of a loft with a sloping ceiling
15 measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be
16 considered as contributing to the minimum required area for the loft.

17 **Exception:** Under gable roofs with a minimum slope of 6:12, portions of a
18 loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to
19 the finished ceiling shall not be considered as contributing to the minimum required area for
20 the loft.

21 **N108.2 Loft access.** The access to and primary egress from lofts shall be any type
22 described in Sections N108.2.1 through N108.2.4.

23 **N108.2.1 Stairways.** Stairways accessing lofts shall comply with the California
24 Residential Code or with Sections N108.2.1.1 through N108.2.1.6.

1 **N108.2.1.1 Width.** Stairways accessing a loft shall not be less than 17
2 inches (432 mm) in clear width at or above the handrail. The minimum width below the
3 handrail shall be not less than 20 inches (508 mm).

4 **N108.2.1.2 Headroom.** The headroom in stairways accessing a loft shall
5 be not less than 74 inches (1880 mm), as measured vertically, from a sloped line connecting
6 the tread or landing platform nosings in the middle of their width.

7 **N108.2.1.3 Treads and risers.** Risers for stairs accessing a loft shall be
8 not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread
9 depth and riser height shall be calculated in accordance with one of the following formulas:

10 1. The tread depth shall be 20 inches (508 mm) minus $\frac{4}{3}$ of the
11 riser height, or

12 2. The riser height shall be 15 inches (381 mm) minus $\frac{3}{4}$ of the
13 tread depth.

14 **N108.2.1.4 Landing platforms.** The top step of stairways accessing lofts
15 shall be constructed as a landing platform where the loft ceiling height is less than 74 inches
16 (1880 mm). The landing platform shall be 18 inches (457 mm) to 22 inches (559 mm) in depth
17 measured from the nosing of the landing platform to the edge of the loft, and 16 inches (406
18 mm) to 18 inches (457 mm) in height measured from the landing platform to the loft floor.

19 **N108.2.1.5 Handrails.** Handrails shall comply with the California
20 Residential Code, Section R311.7.8.

21 **N108.2.1.6 Stairway guards.** Guards at open sides of stairways shall
22 comply with the California Residential Code, Section R312.1.

23 **N108.2.2 Ladders.** Ladders accessing lofts shall comply with Sections
24 N108.2.2.1 and N108.2.2.2.
25

1 **N108.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung
2 width of not less than 12 inches (305 mm), and 10 inches (254 mm) to 14 inches (356 mm)
3 spacing between rungs. Ladders shall be capable of supporting a 200 pound (90.7 kg) load on
4 any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

5 **N108.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from
6 horizontal.

7 **N108.2.3 Alternating tread devices.** Alternating tread devices are acceptable
8 as allowed by the Authority Having Jurisdiction.

9 **N108.2.4 Loft guards.** Loft guards shall be located along the open side of lofts.
10 Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height
11 to the ceiling, whichever is less. Loft guards shall not have openings from the walking surface
12 to the required guard height that allow passage of a sphere 4 inches (102 mm) in diameter.

13 SECTION N109

14 LOCATION, MAINTENANCE AND IDENTIFICATION

15 **N109.1 Maintenance.** Emergency housing and emergency housing facilities shall be
16 maintained in a safe and sanitary condition, and free from vermin, vectors and other matter of
17 an infectious or contagious nature. The grounds within emergency housing sites shall be kept
18 clean and free from accumulation of debris, filth, garbage and deleterious matter. Emergency
19 housing and emergency housing facilities shall not be occupied if a substandard condition
20 exists, as determined by the Authority Having Jurisdiction.

21 **N109.1.1 Fire hazards.** Dangerous materials or materials that create a fire
22 hazard, as determined by the Authority Having Jurisdiction, shall not be allowed on the
23 grounds within emergency housing sites.

24 **N109.23 Identification.** Emergency housing shall be designated by address numbers,
25 letters, or other suitable means of identification. The identification shall be in a conspicuous

1 location facing the street or driveway fronting the building or structure. Each identification
2 character shall be not less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7
3 mm) in width, installed/painted on a contrasting background.

4 SECTION N110

5 EMERGENCY HOUSING FACILITIES SANITATION REQUIREMENTS

6 **N110.1 Drinking water.** Potable drinking water shall be provided for all occupants of
7 emergency housing.

8 **N110.2 Kitchens *and food facilities.*** *Where provided, kitchens and food facilities, as defined*
9 *in Section 113789 of the California Health and Safety Code, which support emergency housing sites,*
10 *shall comply with applicable food safety provisions of Sections 113980–114094.5 of the California*
11 *Health and Safety Code.*

12 Where occupants of dependent units are permitted or required to cook for themselves,
13 a separate area shall be equipped and maintained as a common use kitchen. Refrigerated
14 storage shall be provided for safe storage of food.

15 **N110.3 Toilet and bathing facilities.** When dependent units are used as emergency
16 housing, the emergency housing site shall be provided with one toilet and one bathing facility
17 for every 15 occupants of each gender.

18 The Authority Having Jurisdiction may permit different types and ratios of toilet and
19 bathing facilities. The approval shall be based upon a finding that the type and ratio of toilet
20 and bathing facilities are sufficient to process the anticipated volume of sewage and waste
21 water, while maintaining sanitary conditions for the occupants of the emergency housing.

22 Bathing facilities shall be provided with heating equipment which shall be capable of
23 maintaining a temperature of 70 degrees F (21.0 degrees Celsius) within such facilities.

24 Lavatories with running water shall be installed and maintained in the toilet facilities or
25 adjacent to the toilet facilities.

1 **N111.5 Smoke alarms.** Buildings or structures used for emergency housing, which provide
2 sleeping accommodations, shall be equipped with single station battery powered smoke alarms
3 installed in accordance with the location requirements of Section 907.2.11 of the California Fire Code,
4 unless modified elsewhere in this appendix.

5 **N111.6 Carbon monoxide alarms.** Buildings or structures used for emergency housing, which
6 provide sleeping accommodations, and equipped with fuel-burning appliances shall be provided with
7 carbon monoxide detection in accordance with Section 915 of the California Fire Code, unless
8 modified elsewhere in this appendix.

9 **N111.7 Fire alarm.** A manual fire alarm system capable of arousing sleeping occupants in
10 accordance with Section 907 of the California Fire Code shall be installed in buildings, structures, or
11 groups of buildings or structures used for emergency housing.

12 **Exception:** Individual buildings or structures in a group of buildings or structures with
13 sufficient separation distances to allow each building or structure to function independently in case of a
14 fire, as approved by the Fire Marshal.

15 **N111.8 Automatic sprinkler systems.** Fire sprinklers shall be provided for new and existing
16 buildings or structures used for emergency housing, including sleeping cabins, which provide sleeping
17 facilities, as required by Section 903.3 of the California Fire Code. Strict compliance with the
18 requirements of Section 903.3 may not be required when approved by the Fire Marshal. The Fire
19 Marshal is authorized to accept reasonably equivalent alternatives to the installation provisions of
20 Section 903.3 when dealing with buildings or structures used for emergency housing.

21 **N111.9 Fire extinguishers.** Portable fire extinguishers shall be provided in accordance with
22 Section 906.1 of the California Fire Code.

23 **N111.10 Flammable or combustible liquids.** The possession or storage of any flammable or
24 combustible liquids or gases shall not be permitted (intact cigarette lighters excepted). The use of any
25 type of open flame indoors is prohibited unless conditionally approved by the Fire Chief.

1 N111.11 Storage in attics, under-floor, and in concealed spaces. Combustible materials,
2 including but not limited to the possessions of occupants, users, and staff shall not be stored in attics,
3 under-floor spaces, or within other concealed spaces of buildings or structures used for emergency
4 housing with sleeping accommodations.

5 N111.12 Fire department access. Fire Department access to building and premises used for
6 emergency housing shall be in compliance with Section 503, Appendix D and Section 504 of the
7 California Fire Code, as approved by the Fire Chief.

8 N111.13 Water supply. An approved fire protection water supply complying with Section 507 of
9 the California Fire Code, or as approved by the Fire Chief, shall be provided for each structure, group
10 of structures or premises used for emergency housing.

11 **SECTION N112**

12 **ALTERNATIVES AND MODIFICATIONS**

13 N112.1 Alternatives and modifications. Alternative compliance and/or modifications that are
14 reasonably equivalent to the requirements in this appendix may be granted by the Local Administrative
15 Authority in individual cases when dealing with buildings or structures used for emergency housing.

16
17 Section 5. Article 1 of the Business and Tax Regulations Code is hereby amended by
18 revising Section 8 to read as follows:

19 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

20 * * * *

21 (e) Appeals shall be taken by filing a notice of appeal with the Board of Appeals and
22 paying to said Board at such time a filing fee as follows:

23 * * * *

24 **(9) Additional Requirements.**

25 * * * *

1 (C) Except as otherwise specified in this subsection (e)(9)(C), the
2 Board of Appeals shall fix the time and place of hearing, which shall be not less than 10 nor
3 more than 45 days after the filing of said appeal, and shall act thereon not later than 60 days
4 after such filing or a reasonable time thereafter.

5 (i) In the case of a permit issued by the Entertainment
6 Commission or its Director, the Board of Appeals shall set the hearing not less than 15 days
7 after the filing of said appeal, shall act thereon not more than 30 days after such filing, and
8 shall not entertain a motion for rehearing.

9 (ii) In the case of a decision on a permit application made
10 pursuant to Planning Code Section 343, the Board of Appeals shall set the hearing not less
11 than 10 days after the filing of said appeal, shall act thereon not more than 30 days after such
12 filing, and shall not entertain a motion for rehearing. This subsection (d)(9)(C)(ii) shall expire
13 on the Sunset Date of Planning Code Section 343, as defined in that Section. Upon the
14 expiration of this subsection, the City Attorney shall cause this subsection to be removed from
15 the Business and Tax Regulations Code.

16 (iii) In the case of a decision on a permit application made
17 pursuant to Planning Code Section 207, subsection (c)(6), the Board of Appeals shall set the
18 hearing not less than 10 days after the filing of said appeal, shall act thereon not more than 30
19 days after such filing, and shall not entertain a motion for rehearing.

20 (iv) In the case of a decision on a permit or determination of
21 compliance regarding a homeless shelter located on City owned or leased property during a declared
22 shelter crisis, the Board of Appeals shall set the hearing not less than 10 days after the filing of said
23 appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for
24 rehearing.

1 (E) Pending decision by the Board of Appeals, the action of such
2 department, board, commission, officer or other person from which an appeal is taken, shall
3 be suspended, except for: (i) actions of revocation or suspension of a permit by the Director
4 of Public Health when determined by the Director to be an extreme public health hazard; (ii)
5 actions by the Zoning Administrator or Director of the Department of Building Inspection
6 stopping work under or suspending an issued permit; (iii) actions of suspension or revocation
7 by the Entertainment Commission or the Director of the Entertainment Commission when the
8 suspending or revoking authority determines that ongoing operation of the activity during the
9 appeal to the Board of Appeals would pose a serious threat to public safety; ~~and~~ (iv) actions
10 of the Director of the Office of Cannabis awarding a Temporary Cannabis Business Permit; ~~;~~
11 and (v) actions pursuant to a permit or determination of compliance by the Departments of Public
12 Works or Building Inspection regarding homeless shelters during a declared shelter crisis.
13

14 Section 6. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.
18

19 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23 additions, and Board amendment deletions in accordance with the "Note" that appears under
24 the official title of the ordinance.
25

1 Section 8. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby
2 directed to forward a copy of this ordinance to the California Building Standards Commission
3 and the California Department of Housing and Community Development upon final passage.
4

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 ROBB KAPLA
9 Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190045

Date Passed: April 02, 2019

Ordinance amending the Building Code to adopt standards for constructing homeless shelters, and to create an alternative approval procedure for homeless shelters, during a shelter crisis, pursuant to California Government Code, Section 8698.4; amending the Business and Tax Regulations Code to provide for an expedited permit appeals process for homeless shelters during a shelter crisis; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission and the California Department of Housing and Community Development upon final passage.

March 11, 2019 Land Use and Transportation Committee - RECOMMENDED

March 19, 2019 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

April 02, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190045

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/2/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved