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 appeal 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.

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

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

Section 1. Findings.

(a) In April 2016, the City enacted Ordinance No. 57-16, declaring, pursuant to California Government Code Sections 8698 through 8698.2, a shelter crisis in the City and County of San Francisco. In that ordinance, the Board of Supervisors found that in January 2015, there were 6,686 individuals in San Francisco who were homeless. Since that time, the 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
approximately 7,499 people experiencing homelessness in San Francisco on a single night. Of those persons, 58% were unsheltered, 21% were under the age of 25 years, and 32% were over the age of 51 years with attendant deteriorating physical and mental health.

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

c) Pursuant to California Government Code Section 8698.4, the Board of Supervisors affirms that the shelter crisis still exists in the City, and, further, finds that the building approval process requiring homeless shelters on City owned or leased property to go through the standard building permit process for construction, repair, or siting prevents, hinders, and delays efforts to mitigate the shelter crisis. In lieu of strict compliance with the standard building permit process, the Board adopts the optional, streamlined approval process for City owned and operated homeless shelters as codified in this ordinance. The optional approval process allows City departments proposing construction or repair of homeless shelters to select a streamlined review and approval process, where review is performed in an expedited manner by the applicable City agencies and culminates in a written determination of compliance. The alternative approval process still requires that homeless shelters comply with all applicable building, health, habitability, and life safety standards.
(d) Pursuant to California Government Code Section 8698.4, the Board of Supervisors also finds that the Building Code's lack of provisions for emergency housing prevents, hinders, and delays efforts to mitigate the shelter crisis. The Board finds that adoption of the provisions for emergency housing contained in 2016 California Building Code Appendix N, subject to modifications provided in this ordinance, would mitigate the effects of the shelter crisis by allowing the City to expedite construction of, or conversion of existing structures to, safe and habitable shelters.

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

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

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

(a) The amendment to Section 106A.2 modifies administrative procedures within San Francisco's Building Code and does not amount to a change in a building standard within the California Building Code that requires local findings. Nonetheless, local conditions, including fluctuating rainfall due to changes in climatic conditions and topographical constraints that led to dense development with few viable sites for constructing emergency housing, necessitate providing an expedited approval process to secure sites and provide shelter from fluctuating and intense climate conditions in an expedited manner.
(b) The amendment to Section N101.1 of Appendix N of the 2016 California Building Code defines the scope of application of the Emergency Housing provisions, and does not alter a building standard such that local findings are necessary.

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

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

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

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

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

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

***

23. Construction or repair of a homeless shelter located on City owned or leased land during a declared shelter crisis where the work complies with all the following alternative approval process conditions: (a) the City agency proposing the construction or repair submits written notice to the Clerk of the Board of Supervisors of the agency's intention to invoke this subsection 106A.2(23) and 60 days elapse without the City enacting an ordinance restricting the agency's invocation of this subsection; (b) the City agency proposing the siting, construction, or repair submits all information required under Section 106A.3.1 to the Department; (c) the Department routes the information regarding the proposed work to all bureaus, departments, or agencies that are required to review and approve such construction or repair as required under applicable ordinances and laws, including the Fire Marshal, Chief Harbor Engineer of the Port of San Francisco (if applicable), and the Departments of Public Works, Planning, and Public Health; (d) the Department receives written confirmation from the Directors of each applicable bureau, department, and agency that the proposed work complies with all ordinances and laws subject to their authority; (e) the Department confirms that the proposed work complies with all applicable provisions of this Building Code and that the Department has received written confirmation of compliance from all applicable bureaus, departments, and agencies; and (f) the
Department issues a written determination of compliance that contains all the information required under Section 106A.4.

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

APPENDIX N
EMERGENCY HOUSING
SECTION N101
GENERAL

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

SECTION N102
DEFINITIONS

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

DECLARATION OF SHELTER CRISIS. The duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. (See Government Code Section 8698)
DEPENDENT UNIT. Emergency housing not equipped with a kitchen area, toilet, and sewage disposal system. Recreational vehicles that are not self-contained and without utility service connections shall be considered dependent units.

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

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

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

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

EMERGENCY TRANSPORTABLE HOUSING UNIT. A single or multiple section prefabricated structure that is transportable by a vehicle and that can be installed on a permanent or temporary site in response to a need for emergency housing. Emergency transportable housing units include, but are not limited to, manufactured homes, mobilehomes, multifamily manufactured homes, recreational vehicles, and park trailers. For
the purposes of this appendix, emergency transportable housing units do not include factory-built housing as defined in the Health and Safety Code Section 19971.

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

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

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

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

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

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

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

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

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

**SECTION N103**

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

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

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

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

Exceptions:

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

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

N103.3 Occupant load. Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be
determined by the Authority Having Jurisdiction, but the interior floor area shall not be less than 70 square feet (6.5 m²) for one occupant. Where more than one person occupies the building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of one.

Exceptions:

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

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

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

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

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

1. Continuous source of electricity.

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

2. At least one interior lighting fixture.

SECTION N104

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

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

1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.
2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall and roof area.
3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof area.
4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the roof shall be designed and constructed to resist these additional loads.

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

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

N104.4 Means of egress. Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other. One form of egress may be an egress window complying with Section N104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section N104.4.1, provided in the loft space.
N104.4.1 Egress window. The bottom of the clear opening of the egress window shall not be more than 44 inches (1118 mm) above the floor. The egress window shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window shall have a minimum net clear opening area of 5 square feet (0.465 m²).

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

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

1. Continuous source of electricity.

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

2. At least one interior lighting fixture.

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

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

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

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

N104.9 Carbon monoxide alarms. If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in accordance with the California Residential Code, Section R315.
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
2004 Architectural Barriers Act (ABA) Accessibility Guidelines (2004 ABAAG) to specifically address emergency transportable housing units provided to disaster survivors by entities subject to the ADA or ABA. The final rule ensures that the emergency transportable housing units are readily accessible to and usable by disaster survivors with disabilities.

SECTION N108
LOFTS IN EMERGENCY HOUSING

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

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

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

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

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

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

N108.2.1 Stairways. Stairways accessing lofts shall comply with the California Residential Code or with Sections N108.2.1.1 through N108.2.1.6.
**N108.2.1.1 Width.** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

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

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

1. The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.

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

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

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

**N108.2.2 Ladders.** Ladders accessing lofts shall comply with Sections N108.2.2.1 and N108.2.2.2.
**N108.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (90.7 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

**N108.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

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

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

**SECTION N109**

**LOCATION, MAINTENANCE AND IDENTIFICATION**

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

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

**N109.23 Identification.** Emergency housing shall be designated by address numbers, letters, or other suitable means of identification. The identification shall be in a conspicuous
location facing the street or driveway fronting the building or structure. Each identification
color shall be not less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7
mm) in width, installed/painted on a contrasting background.

SECTION N110

EMERGENCY HOUSING FACILITIES SANITATION REQUIREMENTS

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

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

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

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

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

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

Lavatories with running water shall be installed and maintained in the toilet facilities or
adjacent to the toilet facilities.
N110.4 Garbage, waste and rubbish disposal. All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner acceptable to the Authority Having Jurisdiction.

SECTION N111

EMERGENCY HOUSING FIRE AND LIFE SAFETY REQUIREMENTS

N111.1 Location on property. Buildings or structures used for emergency housing, including sleeping cabins, shall be located in accordance with the requirements of Table 602 and Section 705 of the California Building Code, based on their type of construction and fire-resistance ratings of the exterior walls. During a shelter crisis, the fire separation distances are permitted to be measured to the existing buildings on the adjacent parcels rather than to the interior lot lines, provided the open spaces are to remain unobstructed for the duration of the shelter crisis.

N111.2 Buildings on same lot. Buildings or structures used for emergency housing, including sleeping cabins, shall be separated from each other and from other buildings on the same lot as set forth in Section 705.3 of the California Building Code. The Building Official and Fire Marshal may accept reasonable alternatives to these requirements provided reasonably equivalent fire and life safety is achieved.

N111.3 Means of egress. Buildings or structures used for emergency housing shall be provided with means of egress complying with Chapter 10 of the California Building Code, unless modified elsewhere in this appendix.

N111.4 Emergency escape and rescue. Each area of a building or structure used for sleeping purposes in emergency housing shall be provided with an emergency escape and rescue opening in accordance with Section 1030 of the California Building Code, unless modified elsewhere in this appendix.
N11.5 Smoke alarms. Buildings or structures used for emergency housing, which provide sleeping accommodations, shall be equipped with single station battery powered smoke alarms installed in accordance with the location requirements of Section 907.2.11 of the California Fire Code, unless modified elsewhere in this appendix.

N11.6 Carbon monoxide alarms. Buildings or structures used for emergency housing, which provide sleeping accommodations, and equipped with fuel-burning appliances shall be provided with carbon monoxide detection in accordance with Section 915 of the California Fire Code, unless modified elsewhere in this appendix.

N11.7 Fire alarm. A manual fire alarm system capable of arousing sleeping occupants in accordance with Section 907 of the California Fire Code shall be installed in buildings, structures, or groups of buildings or structures used for emergency housing.

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

N11.8 Automatic sprinkler systems. Fire sprinklers shall be provided for new and existing buildings or structures used for emergency housing, including sleeping cabins, which provide sleeping facilities, as required by Section 903.3 of the California Fire Code. Strict compliance with the requirements of Section 903.3 may not be required when approved by the Fire Marshal. The Fire Marshal is authorized to accept reasonably equivalent alternatives to the installation provisions of Section 903.3 when dealing with buildings or structures used for emergency housing.

N11.9 Fire extinguishers. Portable fire extinguishers shall be provided in accordance with Section 906.1 of the California Fire Code.

N11.10 Flammable or combustible liquids. The possession or storage of any flammable or combustible liquids or gases shall not be permitted (intact cigarette lighters excepted). The use of any type of open flame indoors is prohibited unless conditionally approved by the Fire Chief.
N111.11 Storage in attics, under-floor, and in concealed spaces. Combustible materials, including but not limited to the possessions of occupants, users, and staff shall not be stored in attics, under-floor spaces, or within other concealed spaces of buildings or structures used for emergency housing with sleeping accommodations.

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

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

SECTION N112

ALTERNATIVES AND MODIFICATIONS

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

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

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

* * * *

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

* * * *

(9) Additional Requirements.

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

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

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

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

(iv) In the case of a decision on a permit or determination of compliance regarding a homeless shelter located on City owned or leased property during a declared shelter crisis, the Board of Appeals shall set the hearing not less than 10 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.
(E) Pending decision by the Board of Appeals, the action of such
department, board, commission, officer or other person from which an appeal is taken, shall
be suspended, except for: (i) actions of revocation or suspension of a permit by the Director
of Public Health when determined by the Director to be an extreme public health hazard; (ii)
actions by the Zoning Administrator or Director of the Department of Building Inspection
stopping work under or suspending an issued permit; (iii) actions of suspension or revocation
by the Entertainment Commission or the Director of the Entertainment Commission when the
suspending or revoking authority determines that ongoing operation of the activity during the
appeal to the Board of Appeals would pose a serious threat to public safety; and (iv) actions
of the Director of the Office of Cannabis awarding a Temporary Cannabis Business Permit;
and (v) actions pursuant to a permit or determination of compliance by the Departments of Public
Works or Building Inspection regarding homeless shelters during a declared shelter crisis.

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

Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
additions, and Board amendment deletions in accordance with the "Note" that appears under
the official title of the ordinance.
Section 8. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby
directed to forward a copy of this ordinance to the California Building Standards Commission
and the California Department of Housing and Community Development upon final passage.

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

By: ROBB KAPLA
Deputy City Attorney

Mayor Breed; Supervisors Brown, Walton, Haney, Mandelman, Stefani
BOARD OF SUPERVISORS
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

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: 4/4/19