

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: December 10, 2019

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 10, 2019

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, December 10, 2019. This item was acted upon at the Committee Meeting on Monday, December 9, 2019, at 1:30 p.m., by the votes indicated.

Item No. 45 File No. 191017

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Matt Haney - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Jon Givner, Deputy City Attorney

File No. 191017 Committee Item No. 9
 Board Item No. 45

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date December 9, 2019

Board of Supervisors Meeting Date December 10, 2019

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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OTHER (Use back side if additional space is needed)

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Completed by: Erica Major Date December 6, 2019
 Completed by: Erica Major Date December 10, 2019

[Housing Code - Heat Requirements in Residential Rental Units]

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department’s determination under the California Environmental Quality Act.

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) 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. 191017 and is incorporated herein by reference. The Board affirms this determination.

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

Section 2. The Housing Code is hereby amended by revising Chapter 7, Section 701, to read as follows:

SEC. 701. HEATING AND VENTILATION.

1 (a) **Minimum Heat Requirements in Residential Rental Units.**

2 ~~(1) Dwelling units, guest rooms and congregate residences of one habitable room other~~
3 ~~than the kitchen, heat capable of maintaining a room temperature of 70 degrees Fahrenheit at a point~~
4 ~~midway between the heating unit and the farthest wall and which point is four feet six inches above the~~
5 ~~floor, shall be made available to such habitable room for 11 hours between the hours of 6:00 a.m. and~~
6 ~~12:00 midnight.~~

7 ~~(2) Dwelling units, guest rooms and congregate residences containing two or more~~
8 ~~habitable rooms, heat capable of maintaining a room temperature of 70 degrees Fahrenheit at a point~~
9 ~~midway between the heating unit and the furthest wall and which point is four feet six inches above the~~
10 ~~floor in the habitable rooms, shall be made available to the main room which is the room to which the~~
11 ~~other habitable rooms circulate for 11 hours between the hours of 6:00 a.m. and 12:00 midnight.~~

12 ~~(13) In every guest room except as specified in Section 707(e), Except as provided in~~
13 ~~Section 701(c), every dwelling unit, guest room, and congregate residence heat shall be provided with~~
14 ~~heating facilities as herein above required for a dwelling unit with only one habitable room capable of~~
15 ~~maintaining a minimum room temperature of 70 degrees Fahrenheit (21.1 degrees Centigrade) at a~~
16 ~~point three feet above the floor in all habitable rooms.~~

17 (24) Heat shall be furnished, within the dwelling unit, guest room, or congregate
18 residence ~~or dwelling unit~~ by heating units located within the dwelling unit, guest room, or
19 congregate residence ~~or dwelling unit~~ or from ductwork openings in the walls, floor, or ceiling
20 of said dwelling unit, guest rooms, or congregate residences ~~or dwelling units~~. No direct
21 openings for the entrance of heat shall be permitted between the exit corridor and the dwelling
22 unit, guest room, or congregate residences ~~or dwelling unit~~.

23 (35) The cost of maintaining heat as ~~herein above~~ required by this subsection (a)
24 shall be a matter of agreement between the landlord and tenant ~~thereof~~.

1 (46) Such heating facilities shall be installed and maintained in a safe condition
2 and in accordance with the Building Code and all other applicable laws.

3 (b) ~~No Portable~~ Requirements for Heaters. All individual heaters installed in dwelling
4 units, guest rooms, and guest room suites must be permanently attached and properly wired.
5 Wiring for heaters shall conform to the San Francisco Electrical Code.

6 (c) Minimum Heat Requirements in for Apartment Houses and Hotels.

7 (1) ~~Apartment houses and h~~Hotels shall comply with the requirements set forth in
8 Section 701(a) and (b), ~~above~~ except that ~~heat~~ heating facilities capable of maintaining a room
9 temperature of 68 degrees Fahrenheit (20 degrees Centigrade) at a point midway between
10 the heating unit and the furthest wall and which point is three feet above the floor, shall be
11 made available to each occupied habitable room for a total of 13 hours, between the hours of
12 5:00 a.m. and 11:00 a.m. and 3:00 p.m. and 10:00 p.m.

13 (d) (2) Buildings in Which the Heating System Is Not Under the Control of the Tenant
14 or Occupant. In every building in which the heating system is not under the control of the
15 tenant or occupant, a locking or nontamperable temperature-sensing device with a $\pm 1\frac{1}{2}$ -
16 degree Fahrenheit (0.8 degree Centigrade) tolerance shall be centrally located within the
17 building in a habitable room to which heat is provided, whether occupied or unoccupied. The
18 nontamperable device shall not be installed in a manager's unit or an owner's unit (except in
19 an owner-occupied residential condominium). This device shall cause the heating system to
20 cease heat production when the habitable room temperature exceeds the temperature required
21 by subsection (a) or (c), as applicable, 68 degrees Fahrenheit (20 degrees Centigrade) and reactivate
22 the system when the habitable room temperature drops below the temperature required by
23 subsection (a) or (c) 68 degrees Fahrenheit (20 degrees Centigrade).

24 (1-3) A timeclock set to provide the amount and hours of heat required in this
25 Section 701 shall be installed at or near the heating source (boiler, furnace, etc.) to control the

1 heating system. A thermostat bypass switch wired in parallel with the thermostat shall be
2 provided to allow testing of the boiler operation. This switch shall be located at or near the
3 heating source.

4 (2-4) Except as otherwise provided in this subsection (d), remotely located
5 switches which override timeclock operation shall be prohibited.

6 (~~e-d~~) **Electrical Equipment.** All electrical fixtures, wiring, and appurtenances thereto
7 and their maintenance shall comply with the San Francisco Electrical Code and all other
8 applicable sections of the laws of the State of California and the Municipal Code.

9 (~~f-e~~) **Mechanical Ventilation.** The provisions and requirements of the San Francisco
10 Mechanical Code shall govern the installation and operation of mechanical ventilation systems
11 and equipment.

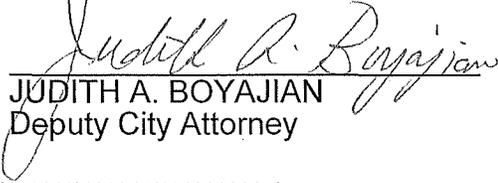
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13 Section 3. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
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1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By:


7 JUDITH A. BOYAJIAN
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Housing Code - Heat Requirements in Residential Hotel Units]

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Section 701 of the Housing Code establishes minimum heating and ventilation requirements for residential rental units and hotels.

Amendments to Current Law

Section 701 of the Housing Code is amended to conform the minimum heating requirements for residential rental units to existing state law.

Background Information

The state law's minimum heating requirements for residential rental units are contained in Title 25, Section 34, of the California Code of Regulations and Section 701 of the 1997 Uniform Housing Code. Title 25 and the Uniform Housing Code require that every dwelling unit, guest room, and congregate residence used or offered for rent or lease be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees Fahrenheit at a point three feet above the floor in all habitable rooms. When the heating facilities are not under the control of the tenant or occupant of the building, the building owner and/or manager must provide that heat 24 hours a day.

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Tel. No. 554-5184
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TDD/TTY No. 554-5227

October 17, 2019

File No. 191017

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 8, 2019, Supervisor Peskin introduced the following proposed legislation:

File No. 191017

Ordinance amending the Green Building Code to establish energy performance requirements for certain new building construction; adopting environmental findings, and findings of local conditions under the California Health and Safety Code and the California Public Resources Code; and directing the Clerk of the Board of Supervisors to forward the Ordinance to state agencies as required by state law.

This legislation is being transmitted to you for environmental review.

Angela Galvillo, Clerk of the Board

for By: 
Erica Major, Assistant Clerk
Land Use and Transportation Committee

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

joy
navarrete

Digitally signed by joy navarrete
DN: dc=org, dc=sfgov,
dc=cityplanning, ou=CityPlanning,
ou=Environmental Planning, cn=joy
navarrete,
email=joy.navarrete@sfgov.org
Date: 2019.10.17 17:24:55 -07'00'



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection Voice (415) 558-6164 - Fax (415) 558-6509
1660 Mission Street, San Francisco, California 94103-2414

November 20, 2019

London N. Breed
Mayor

COMMISSION

Angus McCarthy
President

Debra Walker
Vice-President

Kevin Clinch
John Konstin
Frank Lee
Sam Moss
James Warshell

Sonya Harris
Secretary

Shirley Wong
Assistant
Secretary

Tom C. Hui
S.E.,
C.B.O., Director

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: File No. 191017

Ordinance amending the Housing Code to revise the requirement for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

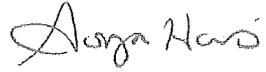
This amendment was heard at the Code Advisory Committee (CAC) meeting on November 13, 2019. The CAC deliberated on the proposed new ordinance amending the 2016 San Francisco Housing Code, revising the requirements for heating in residential units. After discussing the merits of the proposed amendments, in File #191017, the (CAC) determined that they did not have enough information to make a recommendation to the Building Inspection Commission (BIC).

The Building Inspection Commission met and held a public hearing on November 20, 2019 regarding File No. 191017 on the proposed amendment to the Housing Code referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance.

President McCarthy	Yes	Vice-President Walker	Yes
Commissioner Clinch	Yes	Commissioner Konstin	Yes
Commissioner Lee	Yes	Commissioner Moss	Yes
Commissioner Warshell	Yes		

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

A handwritten signature in cursive script that reads "Sonya Harris".

Sonya Harris
Commission Secretary

cc: Tom C. Hui, S.E., C.B.O., Director
Mayor London N. Breed
Supervisor Aaron Peskin
Board of Supervisors

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October 17, 2019

File No. 191017

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

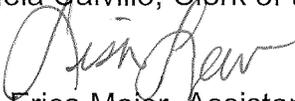
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File No. 191017

Ordinance amending the Green Building Code to establish energy performance requirements for certain new building construction; adopting environmental findings, and findings of local conditions under the California Health and Safety Code and the California Public Resources Code; and directing the Clerk of the Board of Supervisors to forward the Ordinance to state agencies as required by state law.

This legislation is being transmitted to you for environmental review.

Angela Galvillo, Clerk of the Board

for By:  Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: *ell*
for Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: October 17, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Peskin on October 8, 2019:

File No. 191017

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: William Strawn, Department of Building Inspection
Patty Lee, Department of Building Inspection

Member, Board of Supervisors
District 3



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
City and County of San Francisco

2019 DEC -5 AM 9:29

BY

A handwritten signature in black ink, appearing to be "A. Peskin", written over a horizontal line.

COR
LEG. DEP.
Committee chair

AARON PESKIN
佩斯金市參事

DATE: December 2, 2019
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee
RE: Land Use and Transportation Committee
COMMITTEE REPORTS

A handwritten signature in black ink, appearing to be "A. Peskin", written over a horizontal line.

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, December 10, 2019, as Committee Reports:

191085 Interim Zoning Controls - Conditional Use Authorization for Conversion of Unpermitted Residential Care Facilities

Resolution modifying interim zoning controls established in Resolution No. 430-19, which require a Conditional Use authorization for Residential Care Facilities, to clarify that those interim zoning controls apply to certain Residential Care Facilities, including facilities lacking required permits; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

191016 Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

191106 Administrative Code - Annual Report on Job Growth and Housing Production

Ordinance amending the Administrative Code to require an annual report analyzing the fit between housing needs associated with job growth by wages in San Francisco and housing production by affordability in the City.

COMMITTEE REPORT MEMORANDUM

Land Use and Transportation Committee

191107 Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers

Ordinance amending the Business and Tax Regulations Code to extend through FY2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

191017 Housing Code - Heat Requirements in Residential Rental Units

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

190973 Health Code - Approving a New Location for a Permittee's Medical Cannabis Dispensary Permit

Ordinance amending the Health Code to authorize the Director of the Department of Public Health to allow an existing Medical Cannabis Dispensary permittee to operate under that permit at a new location, provided the permittee has been verified by the Office of Cannabis as an Equity Applicant under the Police Code, the permittee has been evicted from the location associated with the permit or been notified by the landlord that the lease would be terminated or not renewed, the new location has an existing authorization for Medical Cannabis Dispensary Use, the permittee has complied with all requirements of Article 33 of the Health Code (the Medical Cannabis Act) with respect to the new location, and the permittee satisfies the provisions of Article 33 regarding authorization by the Office of Cannabis to sell Adult Use Cannabis; and affirming the Planning Department's determination under the California Environmental Quality Act.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 9, 2019, at 1:30 p.m.

RECEIVED
10/8/19 @ 5:00pm
[Signature]

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only