

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 Myrna Melgar, Chair, Land Use and Transportation Committee

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

DATE: March 1, 2021

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, March 2, 2021

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, March 2, 2021. This item was acted upon at the Committee Meeting on Monday, March 1, 2021, at 1:30 p.m., by the votes indicated.

Item No. 31 **File No. 210076**

Reenactment of an emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic; and reaffirming the Planning Department's determination under the California Environmental Quality Act.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar - Aye
Supervisor Dean Preston - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney
Kristen Jensen, Deputy City Attorney

File No. 210076 Committee Item No. 4
Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date March 1, 2021

Board of Supervisors Meeting Date March 2, 2021

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 020221</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>BIC Response 021821</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination 011321</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Melgar Comm Rpt Rq 030121</u> |
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Completed by: Erica Major Date February 18, 2021

Completed by: Erica Major Date March 1, 2021

1 [Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That
2 Results in Temporary Suspension of Water or Utility Service or Excessive Noise]

3 **Reenactment of an emergency ordinance (Ordinance No. 154-20) temporarily**
4 **prohibiting construction projects in buildings with any residential rental units that**
5 **require the suspension of water or utility service to residential tenants without**
6 **providing alternative sources of water and power, or reaching agreement with tenants,**
7 **due to the COVID-19 pandemic; and reaffirming the Planning Department's**
8 **determination under the California Environmental Quality Act.**

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

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

17 Section 1. Declaration of Emergency Pursuant to Charter Section 2.107.

18 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
19 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
20 of any City or County department or office required to comply with time limitations established
21 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
22 terminates on the 61st day after passage, but may be reenacted upon the same terms and
23 conditions applicable to its initial enactment.

24 (b) Pursuant to Charter Section 2.107, the City enacted an emergency ordinance
25 (Ordinance No. 154-20), which temporarily prohibited construction projects in buildings with
any residential rental units that required the suspension of water or utility service to residential

1 tenants without providing alternative sources of water and power or reaching an agreement
2 with tenants, required advance notice to tenants who would be impacted by water or utility
3 service disruption, and required mitigation of noise from loud instruments. A property owner
4 was exempt from these requirements if an agreement with all impacted tenants was reached
5 or if all impacted tenants reside in a 100% affordable housing building. That emergency
6 ordinance expired on October 27, 2020.

7 (c) The Board of Supervisors hereby finds that the findings declared in Section 1 of
8 Ordinance No. 154-20 remain valid and compelling, and declares further that an actual
9 emergency rooted in the COVID-19 pandemic continues to exist that requires the reenactment
10 of that emergency ordinance. The Board reaffirms the California Environmental Quality Act
11 findings in Ord. No. 154-20.

12
13 Section 2. Reenactment of Emergency Ordinance.

14 Consistent with Charter Section 2.107, this emergency ordinance reenacts for 60 days
15 the emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects
16 in buildings with any residential rental units that require the suspension of water or utility
17 service to residential tenants without providing alternative sources of water and power,
18 requiring advance notice to tenants who would be impacted by water or electricity service
19 disruption, and requiring mitigation of noise from loud instruments.

20
21 Section 3. Effective Date; Retroactive Application; Expiration.

22 (a) Consistent with Charter Section 2.107, this reenacted emergency ordinance shall
23 become effective immediately upon enactment. Enactment occurs when the Mayor signs the
24 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within
25

1 ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the
2 ordinance.

3 (b) This reenacted ordinance shall be retroactive to January 26, 2021, the date of
4 introduction. The Board of Supervisors urges that the Department of Building Inspection
5 exercise administrative discretion to implement its provisions prior to the effective date
6 described in subsection (a).

7 (c) This emergency ordinance shall expire on the 61st day following enactment unless
8 reenacted as provided by Section 2.107.

9

10 Section 4. Directions to Clerk.

11 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
12 reenacted emergency ordinance in File No. 200763 for Ordinance No. 154-20 and to make a
13 notation cross-referencing this emergency ordinance where Ordinance No. 154-20 appears
14 on the Board of Supervisors website as legislation passed.

15

16 Section 5. Supermajority Vote Required.

17 In accordance with Charter Section 2.107, passage of this reenacted emergency
18 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
19 of Supervisors.

20

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

23 By: /s/ Robb W. Kapla
24 ROBB W. KAPLA
Deputy City Attorney

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LEGISLATIVE DIGEST

[Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That Results in Temporary Suspension of Water or Electricity Service or Excessive Noise]

Reenactment of emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic, and reaffirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Emergency Ordinance 154-20 was approved and became effective on August 28, 2020, and expired on October 27, 2020.

Amendments to Current Law

This ordinance reenacts Ordinance 154-20. Ordinance 154-20 prohibits construction activities that suspend water or electricity service in buildings with residential rental units exceeding two hours unless an alternative source is provided. In the event of a water shutoff, an alternative source could include, but not be limited to, water bottles or other containers of water. In the event of an electricity shutoff, a generator or alternative power source that allows internet use must be provided. Advance notice to tenants of a disruption in service or loud noise levels over specified limits is required and the name and contact information of a person who can respond to tenant concerns must be provided. The Department of Building Inspection may authorize the construction to continue without the advance notice if a pause in construction would create an imminent safety hazard. Property owners are exempt from the requirements of the ordinance if the owner and all impacted residential tenants agree to different terms. Also exempt are buildings with 100% affordable units.

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BUILDING INSPECTION COMMISSION (BIC)

**Department of Building Inspection
49 South Van Ness Avenue, 5th Floor San Francisco, California 94103**

Voice (628) 652 -3510

February 18, 2021

London N. Breed
Mayor

COMMISSION

Angus McCarthy
President

Jason Tam
Vice-President

Alysabeth
Alexander-Tut
Raquel Bito
Kevin Clinch
Jon Jacobo
Sam Moss

Sonya Harris
Secretary

Patrick O’Riordan,
C.B.O.,
Interim 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. 210076

Emergency Ordinance (Ordinance No. 154-20) (Board of Supervisors File No. 210076) temporarily prohibiting construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic, and reaffirming the Planning Department’s determination under the California Environmental Quality Act.

The Building Inspection Commission met and held a public hearing on February 17, 2021 regarding File No. 210076. The Commissioners voted unanimously to **recommend approval** of the proposed Emergency Ordinance.

President McCarthy	Yes	Vice-President Tam	Yes
Commissioner Bito	Yes	Commissioner Clinch	Yes
Commissioner Jacobo	Yes	Commissioner Moss	Yes
Commissioner Alexander-Tut	Yes		

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,

Sonya Harris
Commission Secretary

cc: Patrick O'Riordan, Interim Director
Mayor London N. Breed
Supervisor Aaron Peskin
Board of Supervisors



MYRNA MELGAR

DATE: February 24, 2021

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee *MM*

RE: Land Use and Transportation Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, March 2, 2021, as a Committee Report:

File No. 210076 Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That Results in Temporary Suspension of Water or Utility Service or Excessive Noise Sponsor: Peskin

Reenactment of an emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic; and reaffirming the Planning Department's determination under the California Environmental Quality Act.

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, March 1, 2021, at 1:30 p.m.

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MEMORANDUM

TO: Patrick O'Riordan, Director, Department of Building Inspection

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

DATE: February 2, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Preston on January 26, 2021:

File No. 210076

Reenactment of an emergency ordinance (Ordinance No. 154-20) temporarily prohibiting construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic; and reaffirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me 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.

cc: Patty Lee, Department of Building Inspection
John Murray, Department of Building Inspection

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