

BOARD of SUPERVISORS



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MEMORANDUM

Date: August 8, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240807
Housing Code - Operational Elevators

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1 [Housing Code - Operational Elevators]

2

3 **Ordinance amending the Housing Code to require R-1 and R-2 group buildings to**
4 **maintain at least one existing elevator for residents' use; and affirming the Planning**
5 **Department's determination under the California Environmental Quality Act.**

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

10

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

12

13 Section 1. Findings.

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

19 (b) On _____, the Building Inspection Commission considered this
20 ordinance at a duly noticed public hearing pursuant to Charter Section 4.121 and Building
21 Code Section 104A.2.11.1.1.

22 (c) No local findings are required under California Health and Safety Code Section
23 17958.7 because the amendments to the Building Code contained in this ordinance do not
24 regulate materials or manner of construction or repair, and instead relate in their entirety to
25

1 administrative procedures for implementing the code, which are expressly excluded from the
2 definition of a “building standard” by California Health and Safety Code Section 18909(c).

3
4 Section 2. Chapter 7 of the Housing Code is hereby amended by revising Section 713,
5 to read as follows:

6 **SEC. 713. ELEVATORS.**

7 In all R-1 and R-2 Occupancies;

8 (a) Buildings with ~~building~~ heights exceeding 50 feet, which are required to have an
9 operable elevator per the Fire Code, ~~said buildings~~ shall have at least one operating elevator
10 for the residential occupants’ use.

11 (b) Buildings that have an existing elevator, regardless of the height of the building, shall
12 maintain at least one operable elevator for residential occupants’ use.

13 (c) Notwithstanding subsections (a) and (b), the requirement to have an operable elevator for
14 residential occupants’ use is suspended when there is no operable elevator in the Building that may be
15 safely accessed and used by residential occupants because the Building or its elevator is actively
16 undergoing repair, modification, or maintenance pursuant to a valid building permit, work plan
17 approved by an entity with jurisdiction over the work in question, or contract with a certified elevator
18 repair company for the prompt repair, modification, upgrades, or improvements to the elevator system
19 beyond regular maintenance and servicing.

20
21 Section 3. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor’s veto of the ordinance.

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

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Robb Kapla
11 ROBB KAPLA
12 Deputy City Attorney

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LEGISLATIVE DIGEST

[Housing Code - Operational Elevators]

Ordinance amending the Housing Code to require R-1 and R-2 group buildings to maintain at least one existing elevator for residents' use; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Fire Code requires at least one operable elevator in buildings 50 feet or taller. Section 713 of the Housing Code provides that residential buildings 50 feet must have at least one elevator operating for residential occupants' use.

Amendments to Current Law

The Proposed Legislation would extend the requirement to allow residential use of at least one operable elevator to all residential buildings, including those shorter than 50 feet, that currently have an elevator even if that elevator is not required by the Fire Code. The Proposed Legislation would also provide that the requirement to have an operable elevator for residential use is suspended where the building or its elevator are undergoing repair, maintenance, or improvements that temporarily impact operability of the elevator.

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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: