

File No. 240807

Committee Item No. 3

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date: Sept. 30, 2024

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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- BIC Transmittal – September 19, 2024
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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: September 26, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

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. 240807 and is incorporated herein by reference. The Board affirms  
18 this determination.

19 (b) On September 18, 2024, 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  
23 Section 17958.7 because the amendments to the Building Code contained in this ordinance  
24 do not regulate materials or manner of construction or repair, and instead relate in their  
25 entirety to administrative procedures for implementing the code, which are expressly excluded

1 from the definition of a “building standard” by California Health and Safety Code  
2 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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**BUILDING INSPECTION COMMISSION (BIC)**

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

**Voice (628) 652 -3510**

September 19, 2024

London N. Breed  
Mayor

**COMMISSION**

Alysabeth  
Alexander-Tut  
President

Earl Shaddix  
Vice-President

Evita Chavez  
Catherine Meng  
Bianca Neumann  
Kavin Williams

Sonya Harris  
Secretary

Monique Mustapha  
Asst. Secretary

Patrick O’Riordan,  
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. 240807**

**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.**

The Code Advisory Committee (CAC) considered this Ordinance on September 11, 2024 and voted unanimously to make a recommendation to the Building Inspection Commission to approve the proposed change to the 2022 Housing Code Section 713 Elevators adding, “Buildings that have an existing elevator regardless of the height of the building, shall maintain at least one operable elevator for residential occupants’ use.”

The Building Inspection Commission met and held a public hearing on September 18, 2024 regarding the proposed amendment to the Building Code contained in Board File No. 240807. The Commissioners supported the legislation and positively discussed the proposed amendments.

The Commissioners voted unanimously to **recommend approval of the Ordinance.**

President Alexander-Tut	Yes
Vice-President Shaddix	Excused
Commissioner Chavez	Yes
Commissioner Meng	Yes
Commissioner Neumann	Yes
Commissioner Williams	Yes

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

Sincerely,

A handwritten signature in blue ink that reads "Sonya Harris". The signature is fluid and cursive, with the first name "Sonya" and the last name "Harris" clearly legible.

Sonya Harris  
Commission Secretary

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

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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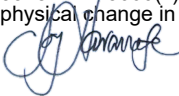
## MEMORANDUM

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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

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- California Environmental Quality Act (CEQA) Determination  
(California Public Resources Code, Sections 21000 et seq.) CEQA determination: Not defined as 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.  
 Ordinance / Resolution  
 Ballot Measure  
9/17/2024 
- 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](mailto:john.carroll@sfgov.org).



BOARD of SUPERVISORS



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San Francisco, CA 94102-4689  
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TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Patrick O’Riordan, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM: John Carroll, Assistant Clerk  
Land Use and Transportation Committee

DATE: August 8, 2024

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors’ Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Stefani on July 30, 2024:

**File No. 240807**

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.

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: [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

c:  
Offices of Chair Melgar and Supervisor Stefani  
Tate Hanna, Department of Building Inspection  
Patty Lee, 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: