

File No. 240807

Committee Item No. 3

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: Sept. 30, 2024

Board of Supervisors Meeting:

Date: October 8, 2024

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 / DRAFT Mills Act 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

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>BIC Transmittal – September 19, 2024</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination – September 17, 2024</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referrals CEQA and BIC – August 8, 2024</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: September 26, 2024

Prepared by: John Carroll

Date: October 4, 2024

Prepared by: _____

Date: _____

1 [Housing Code - Operational Elevators]

2

3 **Ordinance amending the Housing Code to require R-1 and R-2 occupancy group**
4 **buildings to maintain at least one existing elevator for residents' use; and affirming the**
5 **Planning 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

1 entirety to administrative procedures for implementing the code, which are expressly excluded
2 from the definition of a “building standard” by California Health and Safety Code Section
3 18909(c).

4 (d) The Board of Supervisors recognizes that the lack of a functioning elevator can
5 create an extreme hardship for residents, especially those who are seniors or persons with
6 disabilities, and elevator maintenance can require prolonged repair timelines resulting from
7 manufacturing of individual parts and shortages in labor supply, among other reasons. The
8 code enforcement process that ensures compliance with San Francisco’s Housing Code
9 recognizes when good faith abatement efforts are ongoing, and allows for appropriate
10 timelines on abatement efforts. The code enforcement process should apply to violations of
11 this ordinance in a similar manner, and encourage an elevator’s return to operable status
12 without needless delays.

13
14 Section 2. Chapter 7 of the Housing Code is hereby amended by revising Section 713,
15 to read as follows:

16 **SEC. 713. ELEVATORS.**

17 In all R-1 and R-2 Occupancies,:

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

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

23 (c) Notwithstanding subsections (a) and (b), the requirement to have an operable
24 elevator for residential occupants’ use is suspended when there is no operable elevator in the
25 Building that may be safely accessed and used by residential occupants because the Building

1 ~~or its elevator is actively undergoing repair, modification, or maintenance pursuant to a valid~~
2 ~~building permit, work plan approved by an entity with jurisdiction over the work in question, or~~
3 ~~contract with a certified elevator repair company for the prompt repair, modification, upgrades,~~
4 ~~or improvements to the elevator system beyond regular maintenance and servicing.~~

5
6 Section 3. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor’s veto of the ordinance.

10
11 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the “Note” that appears under
16 the official title of the ordinance.

17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/ Robb Kapla
20 ROBB KAPLA
21 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee – September 30, 2024)

[Housing Code - Operational Elevators]

Ordinance amending the Housing Code to require R-1 and R-2 occupancy 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.

As amended in the Land Use and Transportation Committee on September 30, 2024, the Proposed Legislation includes a finding that the City's code enforcement process recognizes good faith efforts to abate violations..

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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

September 19, 2024

London N. Breed
Mayor

COMMISSION

Alysabeth
Alexander-Tut
President

Earl Shaddix
Vice-President

Evita Chavez
Catherine Meng
Bianca Neumann
Kavin Williams

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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" being more prominent than the last name "Harris".

Sonya Harris
Commission Secretary

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

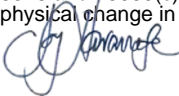
BOARD of SUPERVISORS



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

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.*) 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.

BOARD of SUPERVISORS



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San Francisco, CA 94102-4689
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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

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.

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: