

LEGISLATIVE DIGEST

[Building, Administrative, Public Works Codes - Disability Access Improvements for Places of Public Accommodation]

Ordinance amending the Building, Administrative, and Public Works Codes to remove the local requirement for existing buildings with a place of public accommodation to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Chapter 11D of the Building Code requires the owner of an existing building with a place of public accommodation to have the building inspected for compliance with accessible entry and path of travel requirements. If the building is not in compliance, the owner must either bring the building into compliance or obtain a finding from the City of equivalent facilitation, technical infeasibility, or unreasonable hardship. All mandated work must be completed within the time periods specified in the Building Code for building permits, unless an extension of time is granted.

Chapter 38 of the Administrative Code requires commercial landlords, before entering into or amending a lease agreement with a small business tenant for use of a place of public accommodation, to either remove barriers to disabled access, or notify prospective tenants in writing of applicable disability access requirements, including Building Code Chapter 11D.

Public Works Code Section 723.2 sets forth the process by which the Director of the Department of Public Works may permit private property owners to install or maintain minor encroachments in the public right-of-way. Section 723.2 requires the Public Works Department to collect a public right-of-way occupancy assessment fee for use of the sidewalk or other public right-of-way space.

Amendments to Current Law

This ordinance would remove Building Code Chapter 11D's local requirement that owners of buildings with a place of public accommodation comply with accessible entry and path of travel requirements. This ordinance would not affect the application of state or Federal requirements for building accessibility to buildings in San Francisco. Instead, this ordinance would require the Department of Building Inspection to (1) provide information to project applicants who own or operate a place of public accommodation regarding obligations to comply with disability access requirements under the California Building Code and the Americans with Disabilities Act; and (2) develop and distribute outreach tools, such as brochures and technical information sheets, to assist project applicants who own or operate a

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place of public accommodation in understanding these requirements. This ordinance would also make conforming amendments to Chapter 38 of the Administrative Code.

This ordinance would eliminate public right-of-way occupancy assessment fees for certain encroachments constructed exclusively for compliance with any applicable accessibility standard, including but not limited to any requirement of the Americans with Disabilities Act.

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