

File No. 240297

Committee Item No. 2

Board Item No. 7

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: July 22, 2024

Board of Supervisors Meeting:

Date: July 30, 2024

Cmte Board

- Motion
- Resolution
- Ordinance - VERSION 2
- Legislative Digest - VERSION 2
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- DBI Presentation – July 22, 2024
- BIC Transmittal – May 15, 2024
- BIC Transmittal – October 19, 2023
- Referrals, BIC – March 28, 2024 and October 4, 2023
- Committee Report Request Memo – July 17, 2024
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: July 18, 2024

Prepared by: John Carroll

Date: July 22, 2024

Prepared by: _____

Date: _____

1 [Building Code - Deadlines for Disability Access Improvements for Places of Public
2 Accommodation]

3 **Ordinance amending the Building Code to extend the deadlines for existing buildings**
4 **with a place of public accommodation to comply with the requirement to have all**
5 **primary entries and paths of travel into the building accessible to persons with**
6 **disabilities or to receive a City determination of equivalent facilitation, technical**
7 **infeasibility, or unreasonable hardship; to extend the period for granting extensions**
8 **from those deadlines; and to extend the time for the Department of Building**
9 **Inspection’s Report to the Board of Supervisors regarding the disability access**
10 **improvement program.**

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

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

19 Section 1. Findings.

20 (a) Pursuant to Charter Section 4.121, the Building Inspection Commission
21 considered this ordinance at a duly noticed public hearing held on May 15, 2024.

22 (b) Chapter 11D of the Building Code requires the owner of an existing building with
23 a place of public accommodation to have the building inspected for compliance with
24 accessible entry and path of travel requirements. If the building is not in compliance, the
25 owner must either bring the building into compliance or obtain a finding from the City of
equivalent facilitation, technical infeasibility, or unreasonable hardship. Table 1107D sets forth

1 deadlines applicable to the four compliance categories (Category One Buildings, Category
2 Two Buildings, Category Three Buildings, and Category Four Buildings) for submitting
3 specified information to the Department of Building Inspection (DBI), filing an application for
4 any required building permits, and obtaining the required building permits. All mandated work
5 must be completed within the time periods specified in the Building Code for building permits
6 unless an extension of time is granted pursuant to Section 1108D.

7 (c) Under the Building Code, property owners are responsible for compliance with
8 Code requirements notwithstanding any leases that may shift some of the burden of
9 compliance onto the tenants. Many, if not all, of the buildings subject to the Chapter 11D
10 requirements have multiple leased spaces many of which are operated by small businesses
11 without substantial financial resources. This ordinance will extend for approximately two years
12 from current deadlines all compliance deadlines, in order to resolve compliance issues for
13 those owners who missed past deadlines and to give building owners and tenants more time
14 to resolve any compliance issues going forward.

15 (d) No local findings are required under California Health and Safety Code Section
16 17958.7 because the amendments to the Building Code contained in this ordinance do not
17 regulate materials or manner of construction or repair, and instead relate in their entirety to
18 administrative procedures for implementing the code, which are expressly excluded from the
19 definition of a “building standard” by California Health and Safety Code Section 18909(c).

20
21 Section 2. Chapter 11D of the Building Code is hereby amended by revising Sections
22 1107D, 1108D, and 1113D (specifically, Section 1113D.2), to read as follows:

23
24 **SECTION 1107D – COMPLIANCE SCHEDULE; OPTION TO COMPLY WITH CURRENT**
25 **CODE REQUIREMENTS**

The times for compliance with the requirements of this Chapter 11D are set forth in the following Table 1107D. The Owner of a building within the scope of this Chapter must submit all required forms, documents, and permit applications to the Department prior to the deadlines set forth in Table 1107D but may comply with the requirements of this Chapter 11D, or elect to comply with the requirements and procedures of the Building Code then in effect, at any time prior to the deadlines set forth in Table 1107D.

TABLE 1107D COMPLIANCE SCHEDULE				
Category	Category Description	Submit compliance Checklist and specify compliance Option	File application for required building permit(s)	Obtain required building permit(s) 1
Category One Buildings	In compliance	June 30 <u>December 31, 2022-2024</u>	N/A	N/A
Category Two Buildings	No steps but barriers	June 30 <u>December 31, 2022-2024</u>	December 31, <u>2022-2024</u>	September 29, <u>2023-2025</u>
Category Three Buildings	One step with barriers	June 30 <u>December 31, 2022-2024</u>	December 31, <u>2022-2024</u>	September 29, <u>2023-2025</u>
Category Four Buildings	1+ step with other barriers	June 30 <u>December 31, 2022-2024</u>	December 31, <u>2022-2024</u>	September 29, <u>2023-2025</u>

1. Pursuant to Section 1106D.4, all mandated work must be completed within the time periods specified in Section 106A.4.4 of this Code for Permit Expiration unless an extension of time of time is granted pursuant to Section 1108D.

SECTION 1108D – EXTENSIONS OF TIME

1 (a) For good cause shown, the Building Official may grant one extension of time for
2 up to six months from the compliance timelines in Table 1107D. For good cause shown, one
3 or more additional extensions of time may be granted by the Access Appeals Commission
4 pursuant to Section 1110D; provided, however, that in no event shall the Commission extend
5 the time to complete the mandatory work required by this Chapter 11D beyond June 30, ~~2026~~
6 2028. The Commission’s decision shall be final.

7 * * * *

8
9 **SECTION 1113D – COORDINATION WITH OTHER CITY AGENCIES; REPORT TO THE**
10 **BOARD OF SUPERVISORS**

11 * * * *

12 **1113D.2. Report to the Board of Supervisors.** After consultation and coordination with
13 other appropriate City departments and agencies, on or before January 31, ~~2024-2026~~, the
14 Department shall submit a report in writing to the Board of Supervisors concerning the
15 effectiveness of this Chapter 11D and including recommendations, if any, for amendments to
16 this Chapter. A progress report shall be submitted to the Board of Supervisors once a year
17 thereafter until completion of this Chapter’s disability access improvement program.

18
19 Section 3. Effective Date. This ordinance shall become effective 30 days after
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
22 of Supervisors overrides the Mayor’s veto of the ordinance.

23 ///

24 ///

25 ///

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/ Peter R. Miljanich
11 PETER R. MILJANICH
12 Deputy City Attorney

13 n:\legana\as2023\2400068\01746998.docx

14

15

16

17

18

19

20

21

22

23

24

25

REVISED LEGISLATIVE DIGEST
(Amended in Committee – March 25, 2024)

[Building Code - Deadlines for Disability Access Improvements for Places of Public Accommodation]

Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement 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; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection’s Report to the Board of Supervisors regarding the disability access improvement program.

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. Table 1107D sets forth deadlines for the four compliance categories to submit specified information to DBI, file an application for any required building permits, and obtain the required building permits. 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 pursuant to Section 1108D. Section 1113D requires the Department of Building Inspection to submit a written report to the Board of Supervisors concerning the effectiveness of Chapter 11D, including recommendations, if any, for amendments to the Chapter.

Amendments to Current Law

This ordinance will extend the time to comply with the requirements for approximately 2.5 years.

Background Information

This ordinance is a duplicate of the ordinance in Board File No. 231005. On March 25, 2024, after duplicating the ordinance, the Land Use and Transportation Committee amended it to change the deadline for submission of the compliance checklist and specification of the compliance option from June 30, 2024 to December 31, 2024.

Under the Building Code, property owners are responsible for compliance with Code requirements notwithstanding any leases that may shift some of the burden of compliance

FILE NO. 240297

onto the tenants. Many, if not all, of the buildings subject to the Chapter 11D requirements have multiple leased spaces many of which are operated by small businesses without a lot of financial resources. Extension of the compliance deadlines will give building owners and tenants more time to resolve any compliance issues going forward.

n:\legana\as2023\2400068\01747000.docx

Ordinance to Extend Accessible Business Entrance (ABE) Program Compliance Deadlines – File No. 240297

Land Use and Transportation Committee

July 22, 2024

Background

- The Accessible Business Entrance (ABE) Program was established by ordinance in 2016.
- The program requires places of public accommodation to have all primary entries and paths of travel into a building be accessible by persons with disabilities.
- Deadlines for compliance with the ABE program have been extended four times via ordinance.

ABE Compliance Rates

23,504 properties in the program:

- 16,505 (70%) Compliant (including waived and exempted businesses)
 - Of those that have applied for a permit (1,190), 416 need to finish getting their permit issued
- 6,999 (30%) Non-compliant
 - 2,871 submitted a checklist, but need a permit
 - 4,128 no response

Summary – File No. 240297

- The proposed ordinance would amend the compliance schedule for the ABE program.
- This change will provide additional time for businesses to submit their compliance checklist, and if necessary, file and obtain the required building permits.

Compliance Schedule in File No. 240297

TABLE 1107D COMPLIANCE SCHEDULE				
Category	Category Description	Submit compliance Checklist and specify compliance Option	File application for required building permit(s)	Obtain required building permit(s) 1
Category One Buildings	In compliance	June 30 <u>December 31, 2022-2024</u>	N/A	N/A
Category Two Buildings	No steps but barriers	June 30 <u>December 31, 2022-2024</u>	December 31, <u>2022-2024</u>	September 29, <u>2023-2025</u>
Category Three Buildings	One step with barriers	June 30 <u>December 31, 2022-2024</u>	December 31, <u>2022-2024</u>	September 29, <u>2023-2025</u>
Category Four Buildings	1+ step with other barriers	June 30 <u>December 31, 2022-2024</u>	December 31, <u>2022-2024</u>	September 29, <u>2023-2025</u>

BIC & Department Recommendation

- The BIC met on May 15, 2024 and recommended approval of the ordinance.
- DBI staff believe this extension will help increase compliance rates with the program and recommend approval of the legislation.



THANK YOU



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection

49 South Van Ness Avenue, 5th Floor San Francisco, California 94103

Voice (628) 652 -3510

May 17, 2024

London N. Breed
Mayor

COMMISSION

Alysabeth
Alexander-Tut
President

Earl Shaddix
Vice-President

Evita Chavez
Bianca Neumann
Angie Sommer
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. 240297

Ordinance (File No. 240297) amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement 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; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors regarding the disability access improvement program.

The Code Advisory Committee (CAC) considered this Ordinance on May 8, 2024 and after a discussion regarding the extension of time deadlines, the CAC voted unanimously to recommend the ordinance move forward as written. The CAC recommended a robust public outreach by the Department of Building Inspection (DBI), Public Works, and the Mayor's Office of Small Business regarding the new compliance deadlines and how to comply with the Accessible Business Entrance (ABE) program.

The Building Inspection Commission met and held a public hearing on May 15, 2024 regarding the proposed amendment to the Building Code contained in Board File No. 240297. The Commissioners supported the extension of time deadlines, but mentioned the importance of persons with disabilities having access to the business entrances. The BIC also agreed with the Code Advisory Committee's recommendation for additional public outreach. The Commissioners voted 4 to 1, with Commissioner Williams dissenting, to **recommend approval of the ordinance.**

President Alexander-Tut	Yes
Vice-President Shaddix	Yes
Commissioner Chavez	Yes
Commissioner Neumann	Yes
Commissioner Sommer	Excused
Commissioner Williams	No

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, Director
Mayor London N. Breed
Supervisor Rafael Mandelman
Board of Supervisors



BUILDING INSPECTION COMMISSION (BIC)

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

Voice (628) 652 -3510

October 23, 2023

London N. Breed
Mayor

COMMISSION

Alysabeth
Alexander-Tut
Interim President

Evita Chavez
Bianca Neumann
Earl Shaddix
Angie Sommer
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. 231005

Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement 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; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection’s Report to the Board of Supervisors regarding the disability access improvement program.

The Code Advisory Committee (CAC) considered this Ordinance on October 11, 2023. The CAC voted unanimously to recommend the Building Inspection Commission approve the proposed Ordinance as written.

The Building Inspection Commission met and held a public hearing on October 18, 2023 regarding the proposed amendment to the Building Code contained in Board File No. 231005. There was extensive discussion as to the various reasons why property owners had not met the original compliance deadlines. The Commissioners voted 4 to 1, with Commissioner Williams dissenting, to **recommend approval of the ordinance.**

Interim President Alexander-Tut	Yes
Commissioner Chavez	Excused
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	No

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
Supervisor Rafael Mandelman
Supervisor Joel Engardio
Supervisor Connie Chan
Board of Supervisors

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
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: March 28, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors’ Land Use and Transportation Committee has created a new duplicate ordinance file:

File No. 240297

Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement 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; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection’s Report to the Board of Supervisors regarding the disability access improvement program.

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 the commission 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 Mandelman
Patty Lee, Department of Building Inspection

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
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: October 4, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors’ Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Mandelman on September 26, 2023:

File No. 231005

Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement 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; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection’s Report to the Board of Supervisors regarding the disability access improvement program.

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: Patty Lee, Department of Building Inspection



MYRNA MELGAR

DATE: July 17, 2024

TO: Angela Calvillo
Clerk of the Board of Supervisors

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

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

mm

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, July 23, 2024, as Committee Reports:

File No. 240499 **Building Code - Vacant Storefronts and Infrastructure Construction**
Sponsor: Chan

File No. 240297 **Building Code - Deadlines for Disability Access Improvements for Places of Public Accommodation**
Sponsors: Mandelman; Engardio and Chan

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 22, 2024, at 1:30 p.m.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor:

BOARD of SUPERVISORS



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

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: July 22, 2024

SUBJECT **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 23, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, July 23, 2024. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, July 22, 2024, at 1:30 p.m., by the votes indicated.

BOS Item No. 53

File No. 240297

[Building Code - Deadlines for Disability Access Improvements for Places of Public Accommodation]

Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement 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; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors regarding the disability access improvement program.

RECOMMENDED AS A COMMITTEE REPORT

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

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