

File No. 150732

Committee Item No. 2

Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Sub-Committee

Date March 23, 2016

Board of Supervisors Meeting

Date April 5, 2016

Cmte Board

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Completed by: Linda Wong Date March 18, 2016
 Completed by: Linda Wong Date March 28, 2016

1 [Building, Administrative Codes - Mandatory Disability Access Improvements; Building
2 Owner's Notice to Tenant; Administrative Fee]

3 **Ordinance amending the Building Code to require any existing building with a place of**
4 **public accommodation either to have all primary entries and path of travel into the**
5 **building accessible by persons with disabilities or to receive from the City a**
6 **determination of equivalent facilitation, technical infeasibility, or unreasonable**
7 **hardship; establishing a Disability Access Compliance Unit within the Department of**
8 **Building Inspection; establishing a fee to offset the costs of the disability access**
9 **improvement program; amending Chapter 38 of the Administrative Code to require a**
10 **building owner to give notice of the mandatory Building Code primary entry and path of**
11 **travel accessibility requirements in any new or amended public accommodation lease;**
12 **affirming the Planning Department's California Environmental Quality Act**
13 **determination; making findings of local conditions under the California Health and**
14 **Safety Code, and directing the Clerk of the Board of Supervisors to forward the**
15 **legislation to the California Building Standards Commission upon final passage.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
17 **Additions to Codes** are in *single-underline italics Times New Roman font*.
18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
19 **Board amendment additions** are in double-underlined Arial font.
20 **Board amendment deletions** are in ~~strikethrough Arial font~~.

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

22 Section 1. Background and General Findings.

23 (a) The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25

1 Code Section 21000 et seq.). The Board of Supervisors hereby affirms this
2 determination. Said determination is on file with the Clerk of the Board of Supervisors in File
3 No. 150732 and is incorporated herein by reference.

4 (b) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
5 considered this ordinance at a duly noticed public hearing held on February 17, 2016.

6 (c) Title III of the federal Americans with Disabilities Act of 1990 (42 USC Sections
7 12181 - 12189), known as "the ADA," requires that Places of Public Accommodation operated
8 by private entities be accessible to persons with disabilities. The ADA requires the removal of
9 architectural barriers in existing buildings to provide accessibility if barrier removal is readily
10 achievable. California's construction-related disability access requirements for Places of
11 Public Accommodation, found in Chapter 11B of the California Building Code as adopted and
12 amended by San Francisco, do not require existing buildings to be modified to conform to
current disability access requirements unless there is an application for a building permit.

14 In addition to these federal and state construction-related disability access
15 requirements, the Unruh Civil Rights Act (California Civil Code Sections 51 through 51.3)
16 requires that all business establishments provide "full and equal accommodations,
17 advantages, facilities, privileges, or services."

18 (d) In September 2008, the Construction-Related Accessibility Standards
19 Compliance Act ("Act") was added to the California Civil Code, at Sections 55.51 through
20 55.53. The Act authorizes an owner or tenant of a Place of Public Accommodation to have it
21 inspected by disability access specialists known as CASp Inspectors, who are certified by the
22 Division of State Architect. This inspection is intended to assist owners and tenants in
23 determining whether the site meets all applicable federal and state construction-related
24 accessibility requirements, as that term is defined in Section 55.52(a)(6) of the Act, or if, in the
25 opinion of the CASp Inspector, corrections are needed to achieve compliance with those

1 requirements. In determining compliance, state law applies unless federal law provides a
2 greater degree of accessibility. If corrections are needed, the CASp Inspector must identify
3 the areas that need correction and provide to the owner or tenant a schedule of completion
4 within a reasonable timeframe.

5 A CASp Inspection is not mandatory but if a property owner or tenant has obtained a
6 CASp Inspector's report and they or a successor owner or tenant are subsequently sued for
7 violation of construction-related accessibility requirements, the plaintiff must follow certain
8 procedures and owners and tenants are given some protection against liability and the
9 recovery of damages.

10 (e) In September 2012, with the passage of Ordinance 187-12, the City enacted
11 Chapter 38 of the Administrative Code. Chapter 38 requires that before a building owner
12 leases space to a small business for use as a public accommodation, the owner must either
13 (1) ensure that existing public restrooms, ground floor entrances, and ground floor exits are
14 accessible, if accessibility is required and readily achievable, or (2) provide written notice to
15 the prospective tenant that the property may not currently meet all construction-related
16 accessibility standards.

17 Section 38.1 of the Administrative Code states that the purposes of the new
18 requirements are to (1) ensure that small businesses operating public accommodations
19 comply with applicable disability access laws, (2) ensure clear communication between
20 landlords and small business tenants regarding their respective responsibilities for disability
21 access improvements, and (3) protect small business tenants from unforeseen expenses and
22 liabilities arising out of required disability access improvements.

23 (f) In its Annual Report to the Legislature dated January 31, 2015, the California
24 Commission on Disability Access reported that not having an accessible entry and path of
25 travel into a building was one of the top ten construction-related violations reported.

1 (g) The City has a strong interest in ensuring that (1) all Places of Public
2 Accommodation in San Francisco are in compliance with state and federal disability access
3 laws and (2) a building owner who leases all or portions of a building for use as a Place of
4 Public Accommodation assumes responsibility for bringing the building into compliance with
5 these laws. It is also in the public interest for owners and tenants of these buildings who
6 comply with construction-related accessibility requirements to gain some protection under
7 litigation arising from those requirements.

8 This Chapter 11D furthers these objectives by (1) requiring that the owner of a building
9 with a Place of Public Accommodation have the building inspected for compliance with
10 disability access requirements under specified circumstances, (2) mandating that either the
11 building have a Primary Entry or Entries and Accessible Entrance Route into the building that
12 is usable by persons with disabilities, or the building owner obtain a finding from the City that
13 compliance is technically infeasible or is an unreasonable hardship, and (3) encouraging
14 voluntary corrections to other noncomplying accessibility elements in the building.

15
16 Section 2. Findings of Local Conditions under California Health and Safety Code
17 Section 17958.7.

18 (a) San Francisco is a 49-square mile peninsula with many hills and steep streets.
19 The sidewalks are narrow, crowded, and often sloping; much of the building stock is old and
20 often was constructed to the property line and/or adjacent to the fronting sidewalk with no or
21 minimal setbacks.

22 (b) The City also has numerous defined neighborhood commercial districts, which
23 conveniently provide retail goods and services to neighborhood residents and workers as well
24 as visitors to the area. A common feature of these older neighborhood shopping areas is
25 small-scale development and a pattern of small buildings with a narrow frontage and a

1 continuous facade line that abuts the fronting sidewalk. Another common feature is the
2 commercial-residential mixed use of the buildings and a pattern of commercial space on the
3 ground floor with residential flats on the upper floors.

4 (c) This combination of sloping streets, narrow sidewalks, and an old stock of small,
5 multi-use buildings with narrow facades that were constructed to the property lines and/or
6 abutting sidewalk has resulted in a large number of San Francisco buildings providing
7 services to the public that have steps to the front entrance and other elements that do not
8 comply with federal and state disability access requirements.

9 (d) Building owners often require their tenants to assume the responsibility for
10 complying with code requirements and do not make disability access improvements
11 themselves. Disability access improvements often are not financially feasible for small
12 businesses with short-term leases; thus, the Building Code's assumption that disability access
13 and other building improvements will be made over time does not, in fact, always occur in
14 these buildings.

15 (e) According to the Data and Needs Analysis in the City's 2014 Housing Element,
16 in 2010 19 percent of San Francisco's population was 60 years of age and older, and both the
17 number and share of residents in that age bracket is projected to increase in the coming years
18 to account for more than 30 percent of the total population by 2040. The 2010 Census
19 estimated that 30 percent of all San Francisco households have one or more persons 65
20 years of age and older and that 40 percent of persons 65 and older have mobility or other
21 physical limitations. The 2010 Census also estimated that almost 49,000 non-institutionalized
22 adults in San Francisco have a physical disability.

23 (f) Section 11B-202.4 of the California Building Code ranks an accessible entrance
24 as the accessibility element that should be given the highest priority in making disability
25 access improvements to a building.

1 Section 3. The Building Code is hereby amended by adding Chapter 11D, to read as
2 follows:

3 Chapter 11D

4 MANDATORY ACCESSIBILITY IMPROVEMENTS FOR

5 BUILDINGS WITH A PLACE OF PUBLIC ACCOMMODATION

6 SECTION 1101D – SCOPE

7 Any building or portion of a building with a Place of Public Accommodation subject to the
8 requirements of Chapter 11B of this Code is within the scope of this Chapter.

9 Exception: A building that was constructed under a building or site permit application filed on
10 or after January 1, 2002.

11 A building constructed under the Building Code in effect on or after January 1, 2002 is
12 presumed to be accessible to persons with disabilities and will be exempt from this Chapter 11D upon
13 receipt by the Department of a written notice of exemption from the Owner or the Owner's authorized
14 agent that provides a construction permit application number dated on or after January 1, 2002 and
15 contact information for the Owner and/or Owner's authorized agent.

16 1101D.1. Compliance with Federal or State Laws. Nothing in this Chapter 11D is intended to
17 relieve the Owner or the operator of a Place of Public Accommodation of their obligation to comply
18 with the requirements of any Federal or State law, including but not limited to the Americans with
19 Disabilities Act, or to modify or extend the time for compliance with any such law.

20 1101D.2. Contractual obligations. Nothing in this Chapter 11D is intended to interfere with
21 any contractual obligations between the Owner of a building within the scope of this Chapter and any
22 lessee of space within the building.

23 SECTION 1102D – DEFINITIONS.

24 For the purposes of this Chapter 11D, the following definitions shall apply:
25

1 **“Accessible Entrance Route.”** An identifiable path of travel by means of which a Primary Entry
2 may be approached, entered and exited, and which connects the Primary Entry with an exterior
3 approach (including any adjacent sidewalks, streets and parking areas).

4 **“Building Official.”** The Director of the Department or the Director’s designee.

5 **“California Construction-Related Accessibility Standards Compliance Act.”** Sections 55.51
6 through 55.53 of the California Civil Code as amended from time to time.

7 **“California Historical Building Code.”** Part 8 of Title 24, California Code of Regulations.

8 **“CASp Inspector.”** A person who has been certified by the State of California as a certified
9 access specialist authorized to inspect a Place of Public Accommodation for compliance with
10 construction-related accessibility standards.

11 **“Checklist for Alterations to Commercial Storefront for Accessibility.”** A Checklist developed
12 by or with the input of City departments or agencies with review authority over the subject buildings.

13 **“Department.”** The Department of Building Inspection.

14 **“Design Professional.”** A “Registered Design Professional” as defined in Chapter 2 of the
15 Building Code.

16 **“Disability Access Compliance Unit” or “Compliance Unit.”** The Unit within the Department
17 established under Section 1112D of this Chapter.

18 **“Equivalent Facilitation.”** As defined in Chapter 2 of the Building Code.

19 **“Historic Resource.”** A building designated pursuant to Articles 10 and 11 of the Planning
20 Code, listed on or determined eligible for listing on the California Register of Historic Resources or the
21 National Register of Historic Places, or that is a ‘qualified historical building’ as defined in the
22 California Historical Building Code.

23 **“Inspector.”** A CASp Inspector or a Design Professional approved by the Building Official as
24 qualified to evaluate compliance with disability access requirements.

25 **“Owner.”** The owner of a building within the scope of this Chapter 11D.

1 "Place of Public Accommodation." As defined in Section 55.52 of the California Construction-
2 Related Accessibility Compliance Act and 42 USC Section 12181(7) of the Americans with Disabilities
3 Act of 1990, as those Acts are amended from time to time.

4 "Primary Entry." As defined in Chapter 2 of this Code, the principal entrance through which
5 most people enter the building, as designated by the Building Official. If there are multiple commercial
6 tenants or spaces, a building may have multiple Primary Entries.

7 "Technically Infeasible." As defined in Chapter 2 of the Building Code.

8 "Technical Infeasibility." A Code requirement is Technically Infeasible.

9 "Unreasonable Hardship." As defined in Chapter 2 of the Building Code.

10 **SECTION 1103D – COMPLIANCE CATEGORIES**

11 The Department shall assign each building within the scope of this Chapter 11D to one of the
12 following four categories. If a building does not clearly fall within one of these categories, the Building
13 Official shall assign it to the category he or she determines is the most appropriate. The Building
14 Official's decision is appealable to the Building Inspection Commission pursuant to Section 77.3(b) of
15 the Administrative Code.

16 Category One: The Primary Entry or Entries and the Accessible Entrance Route(s) comply
17 with Code requirements. A building qualifies under Category One if any of the following descriptions
18 applies:

19 (a) A building or portion thereof was constructed or altered under a permit application filed
20 prior to July 1, 1992-1982, and all Primary Entries and Accessible Entrance Routes are in compliance
21 with the requirements of the 1998 California Building Code.

22 (b) A building or portion thereof was constructed or altered under a permit application filed
23 on or after July 1, 1992-1982 and prior to January 1, 2002, all Primary Entries and Accessible
24 Entrance Routes are in compliance with the requirements of the 1998 California Building Code or a
25 later Building Code in effect at the time of any permit application for a tenant improvement or other

1 alteration, and the Department gave final approval of the accessible entry work under the construction
2 permit or any alteration permits.

3 (c) A building is eligible to use the California Historical Building Code, a permit
4 application was filed on or after January 1, 1995, all Primary Entries and Accessible Entrance Routes
5 are in compliance with the California Historical Building Code in effect at the time of the permit
6 application, and the Department gave final approval of the accessible entry work under the
7 construction permit or any alteration permits.

8 Category Two: There are no steps to the Primary Entry or Entries and one or more elements
9 of the Primary Entry or Entries or the Accessible Entrance Route(s) do not comply with Code
10 requirements. A building qualifies under Category Two if any of the following descriptions applies:

11 (a) A building or portion thereof was constructed or altered under a permit application filed
12 prior to July 1, 1992-1982, the building has a Primary Entry or Entries with no steps, and one or more
13 elements of the Primary Entry or Entries or the Accessible Entrance Route(s) are not in compliance
14 with the requirements of the 1998 California Building Code.

15 (b) A building or portion thereof was constructed or altered on or after July 1, 1992-1982
16 and prior to January 1, 2002, the building has a Primary Entry or Entries with no steps, and one or
17 more elements of the Primary Entry or Entries or the Accessible Entrance Route(s) are not in
18 compliance with the requirements of the 1998 California Building Code or a later Building Code in
19 effect at the time of any permit application for a tenant improvement or other alteration, or the
20 Department did not give final approval of the accessible entry work under the construction permit or
21 any alteration permit.

22 (c) A building is eligible to use the California Historical Building Code, a permit
23 application was filed on or after January 1, 1995, the Primary Entry or Entries has no steps, and one
24 or more elements of the Primary Entry or Entries or the Accessible Entrance Route(s) are not in
25 compliance with the California Historical Building Code in effect at the time of permit application, or

1 the Department did not give final approval of the accessible entry work under a construction permit or
2 any alteration permit.

3 **Category Three: There is one step to the Primary Entry or Entries and one or more elements**
4 **of the Primary Entry or Entries or the Accessible Entrance Route(s) do not comply with Code**
5 **requirements. A building qualifies under Category Three if the building or portion thereof was**
6 **constructed or altered under a permit application filed prior to July 1, 1992 1982, the Department**
7 **gave final approval of the work under the permit, the building has a Primary Entry or Entries with one**
8 **step and one or more elements of the Primary Entry or Entries or the Accessible Entrance Route(s) are**
9 **not in compliance with the requirements of the 1998 California Building Code.**

10 **Category Four: The building has a Primary Entry or Entries with more than one step and**
11 **one or more elements of the Primary Entry or Entries and/or the Accessible Entrance Route(s) do**
12 **not comply with minimum Code requirements. A building qualifies under Category Four if the**
13 **building or portion thereof was constructed or altered under a permit application filed prior to July 1,**
14 **1992 1982, the building has a Primary Entry or Entries with more than one step, and one or more**
15 **elements of the Primary Entry or Entries or the Accessible Entrance Route(s) are not in compliance**
16 **with the requirements of the 1998 California Building Code, or the Department did not give final**
17 **approval of the accessible entry work under the construction permit.**

18 **SECTION 1104D – INSPECTION AND SUBMISSION OF PRIMARY ENTRY COMPLIANCE**

19 **CHECKLIST**

20 **1104D.1. Category One Buildings. The Owner of a building classified in Section 1103D as**
21 **Category One shall obtain an inspection of the elements on the Department's Category One Primary**
22 **Entry Compliance Checklist by an Inspector. On or before the time for compliance specified in Section**
23 **1107D, the Owner shall submit to the Department's Disability Access Compliance Unit a copy of the**
24 **Checklist completed and signed by the person who performed the inspection and including his or her**
25

1 business contact information and a professional stamp, CASp number, or California State License
2 Bureau contractor's license number, whichever is applicable.

3 If any elements on the Checklist are found by the Inspector or licensed general contractor to be
4 not in compliance with the standards for accessible entries set forth in the applicable California
5 Building Code or California Historical Building Code, or the Department did not give final approval of
6 the accessible entry work, the noncomplying elements shall be clearly specified in detail, the building
7 shall be reassigned by the Building Official to the appropriate Category, and the Owner shall comply
8 with all requirements of that Category. The Building Official's decision is appealable to the Building
9 Inspection Commission pursuant to Section 77.3(b) of the Administrative Code.

10 1104D.2. Category Two Buildings. The Owner of a building classified in Section 1103D as
11 Category Two shall obtain an inspection of the elements on the Department's Category Two Primary
12 Entry Compliance Checklist by an Inspector. On or before the time for compliance specified in Section
13 1107D, the Owner shall submit to the Department's Disability Access Compliance Unit a copy of the
14 Checklist completed and signed by the person who performed the inspection and including his or her
15 business contact information and a professional stamp or CASp number.

16 Each element on the Checklist found by the Inspector to be not in compliance with the
17 applicable standards for accessible entries set forth in the applicable Building Code or California
18 Historical Building Code, including a failure to obtain final Department approval of the accessible
19 entry work, shall be specified in detail and one of the following four options selected by the Owner as
20 the method by which the Owner will address the Code deficiency within the time specified for
21 compliance in Section 1107D:

22 (a) Option 1. The Owner shall submit to the Disability Access Compliance Unit:

23 (1) Plans showing how the non-complying element or elements will be brought into
24 full compliance with the applicable standards for accessible entries set forth in either the California
25 Building Code or the California Historical Building Code, and.

1 (2) If the Owner elects to use the California Historical Building Code,
2 documentation showing that the building is qualified to use the California Historical Building Code.

3 The Owner must subsequently apply for and obtain a building permit to do the required work
4 within the time specified for compliance in Section 1107D.

5 (b) Option 2. The Owner shall submit to the Disability Access Compliance Unit:

6 (1) Plans, drawings, or other documentation required by the Compliance Unit
7 demonstrating that bringing the non-complying element or elements into full compliance with the
8 applicable Code standards for accessible entries is Technically Infeasible, and

9 (2) Plans, drawings, a written explanation, or other documentation required by the
10 Compliance Unit showing what Equivalent Facilitation will be provided.

11 The Owner must subsequently apply for and obtain a building permit to do the work required
12 within the time specified for compliance in Section 1107D.

13 (c) Option 3. The Owner shall submit to the Disability Access Compliance Unit a Request
14 for Approval of an Unreasonable Hardship form together with plans, drawings, a written explanation,
15 or other documentation required by the Compliance Unit showing what Equivalent Facilitation will be
16 provided. The Compliance Unit will review the request and either approve or deny it, and then forward
17 the request and equivalency submittal information to the Access Appeals Commission for a hearing
18 pursuant to Section 1110D and Section 105A.3.3 of this Code.

19 The Owner must subsequently apply for and obtain a building permit to do the work required
20 within the time specified for compliance in Section 1107D.

21 (d) Option 4. The Owner shall submit to the Disability Access Compliance Unit a statement
22 of intent to request a hearing by the Access Appeals Commission to review the matter pursuant to
23 Section 1110D and Section 105A.3.3 of this Code.

1 The request for a hearing by the Access Appeals Commission shall be submitted pursuant to the
2 procedures of Section 105A.3 of this Code and in sufficient time to obtain a decision prior to the other
3 compliance timelines in Table 1107D.

4 **1104D.3. Category Three Buildings.** The Owner of a building classified in Section 1103D as
5 Category Three shall obtain an inspection of the elements on the Department's Category Three
6 Primary Entry Compliance Checklist by an Inspector (as defined in Section 1102D). On or before the
7 time for compliance specified in Section 1107D, the Owner shall submit to the Department's Disability
8 Access Compliance Unit a copy of the Checklist completed and signed by the person who performed the
9 inspection and including his or her business contact information and a professional stamp or CASp
10 number.

11 Each element on the Checklist found by the Inspector to be not in compliance with the
12 applicable standards for accessible entries set forth in the applicable California Building Code or
13 California Historical Building Code shall be specified in detail and one of the options set forth in
14 Section 1104D.2 (a) through (d) selected by the Owner as the method by which the Owner will address
15 the Code deficiency within the time specified for compliance in Section 1107D.

16 **1104D.4. Category Four Buildings.** The Owner of a building classified in Section 1103D as
17 Category Four shall obtain an inspection of the elements on the Department's Category Four Primary
18 Entry Compliance Checklist by an Inspector. On or before the time for compliance specified in Section
19 1107D, the Owner shall submit to the Department's Disability Access Compliance Unit a copy of the
20 Checklist completed and signed by the person who performed the inspection and including his or her
21 business contact information and a professional stamp or CASp number.

22 Each element on the Checklist found by the Inspector to be not in compliance with the
23 applicable standards for accessible entries set forth in the applicable California Building Code or
24 California Historical Building Code shall be specified in detail and one of the options set forth in
25

1 Section 1104D.2 (a) through (d) selected by the Owner as the method by which the Owner will address
2 the Code deficiency within the time specified for compliance in Section 1107D.

3 **SECTION 1105D – EQUIVALENT FACILITATION; TECHNICAL INFEASIBILITY, OR**
4 **UNREASONABLE HARDSHIP.**

5 1105D.1. Equivalent Facilitation. The Department shall develop an Approved Barrier Removal
6 Standard in consultation with the Access Appeals Commission, the Planning Department, and the
7 Department of Public Works. The Disability Access Compliance Unit shall maintain the Approved
8 Barrier Removal Standard and review any proposal for Equivalent Facilitation under this Chapter 11D
9 for compliance with that Standard. Any proposal for Equivalent Facilitation that does not comply with
10 the Approved Barrier Removal Standard must be approved by the Access Appeals Commission.

11 1105D.2. Technically Infeasible. A request for a finding that compliance is Technically
12 Infeasible can be based upon either a structural or a non-structural condition.

13 (a) Structural Technical Infeasibility. A structural Technical Infeasibility is an existing
14 condition of the building where full compliance would require the removal or alteration of a load-
15 bearing structural element that is an essential part of the structural frame.

16 (b) Non-structural Technical Infeasibility. A non-structural Technical Infeasibility may
17 include conditions where full compliance would require encroaching into the required egress width,
18 interfering with pedestrian use of the sidewalk or a permanent easement, and similar conditions that do
19 not impact the structural elements or frame. The Disability Access Compliance Unit shall compile a list
20 of non-structural conditions that the Department would accept as supporting a request for a finding of
21 Technical Infeasibility and provide other written guidance, and may require that a request based on a
22 non-structural condition be ratified by the Access Appeals Commission pursuant to Section 105A.3.3 of
23 this Code.

24 1105D.2.1. Acceptance of previously-granted determinations of Technical
25 Infeasibility. Under the California Building Code, all findings of Technical Infeasibility must be

1 documented by the Department and can only be made on a case-by-case basis. The Department will
2 accept and record a previously-approved finding of Technical Infeasibility for a building within the
3 scope of this Chapter 11D if: (1) the finding of Technical Infeasibility was approved by the Department
4 and can be documented, (2) the finding of Technical Infeasibility is applicable to the elements covered
5 by this Chapter 11D, and (3) an Inspector has submitted written documentation acceptable to the
6 Department that all conditions and requirements of the Technical Infeasibility are unchanged and
7 remain applicable.

8 1105D.3. Unreasonable Hardship. The Compliance Unit, in consultation with the Access
9 Appeals Commission, shall develop and publish guidelines specifying the conditions under which an
10 Unreasonable Hardship would be approved by the Department. All Unreasonable Hardships must be
11 ratified by the Access Appeals Commission pursuant to Section 11B-202.4, Exception 8, and Section
12 1.9.1.5 of the California Building Code.

13 **SECTION 1106D – BUILDING PERMIT REQUIRED; INSPECTION AND COMPLETION OF**
14 **WORK; VALUATION APPLIED TO FUTURE PROJECTS**

15 1106D.1. Building permit required. A building permit is required to make any and all
16 modifications to a building either mandated or authorized by this Chapter 11D. All work required by
17 this Chapter 11D shall be considered by the Department to be barrier removal and no additional path
18 of travel upgrade shall be required. Only those elements that are actually altered will be required to
19 comply with the current requirements of this Code.

20 **1106D.1.1. Historic Resources:**

21 (a) For a building considered to be a Historic Resource, the plans submitted with
22 the building permit application shall be prepared in conjunction with a Design Professional and in
23 compliance with the California Historical Building Code, requirements of the San Francisco Planning
24 Department, and guidelines developed and published by the Compliance Unit.

1 **(b) As required by Articles 10 and 11 of the Planning Code, a permit application for**
2 **a Historic Resource designated pursuant to Article 10 or 11 of the Planning Code must be approved by**
3 **the Historic Preservation Commission unless delegated for review and approval without a hearing to**
4 **Planning Department staff.**

5 **1106D.2. Alteration work that may be included in the permit application. The only work that**
6 **may be included in the permit required by Section 1106D.1 is: (a) the work to a Primary Entry or**
7 **Accessible Entrance Route mandated by Section 1104D or (b) any voluntary disability access**
8 **improvements authorized by Section 1109D.**

9 **1106D.3. Inspection of work. All work completed by permit under Option 1 of Section 1104D.2**
10 **for Category Two, Category Three, and Category Four buildings shall be inspected by the**
11 **Department's field inspector that is assigned to that district. If the work complies with requirements of**
12 **this Chapter 11D, the inspector shall issue to the Owner a Certificate of Final Completion stipulating**
13 **that the work complies with the requirements and shall provide a copy of the Certificate of Final**
14 **Completion to the Disability Access Compliance Unit. Upon request, the Owner may obtain a final**
15 **inspection and approval by a Department inspector who is certified as a CASp Inspector; the**
16 **inspection fee set forth in Table IA-D of Section 110 of this Code shall apply.**

17 **All work completed by permit under Options 3 and 4 of Section 1104D.2 for Category Two,**
18 **Category Three, and Category Four buildings shall be inspected by a Department CASp Inspector. If**
19 **the work complies with requirements of this Chapter 11D, the inspector shall issue to the Owner a**
20 **Certificate of Final Completion stipulating that the work complies with the requirements of this**
21 **Chapter and shall list his or her CASp number where applicable on both the Certificate of Final**
22 **Completion and the completed job card.**

23 **1106D.4. Completion of work; Certificate of Final Completion. Notwithstanding any other**
24 **provision of this Code, all work mandated by this Chapter 11D must be completed within the time**
25 **periods specified in Section 106A.4.4 of this Code for Permit Expiration 48 months of the date**

1 an application for a building permit is required to be filed unless an extension of time is granted
 2 pursuant to Section 1108D. Any Certificate issued by the Department upon final completion of the work
 3 required by this Chapter 11D shall state that compliance is with Chapter 11D of this Code and not with
 4 the requirements of either the Americans with Disability Act or the California Building Code.

5 **1106D.5. Valuation applied to future projects.** As authorized by the Building Code, the
 6 valuation of both the mandatory and the voluntary disability access improvements performed under this
 7 Chapter 11D may be used to comply with path of travel upgrade requirements in Building Code Section
 8 11B-202.4 Exception #8 of this Code for any future project within the same building or portion of a
 9 building for a period of time not to exceed four years from the completion date of the work; provided,
 10 however, that only the valuation of the work described in 1106D.2 (a) or (b) shall be allowed for this
 11 purpose. In order to use the valuation of voluntary disability improvements for this purpose, the Owner
 12 must follow the recommended order of priority for making accessibility improvements set forth in
 13 Section 11B-202.4 of this Code.

14 **SECTION 1107D – COMPLIANCE SCHEDULE; OPTION TO COMPLY WITH CURRENT**
 15 **CODE REQUIREMENTS**

16 The time for compliance with the requirements of this Chapter 11D are set forth in the following
 17 Table 1107D. The Owner of a building within the scope of this Chapter must submit all required forms,
 18 documents and permit applications to the Department prior to the deadlines set forth in Table 1107D
 19 but may comply with the requirements of this Chapter 11D, or elect to comply with the requirements
 20 and procedures of the Building Code then in effect, at any time prior to the deadlines set forth in Table
 21 1107D.

22 **TABLE 1107D**
 23 **COMPLIANCE SCHEDULE¹**

	<u>Submit compliance Checklist and</u>	<u>File application for required</u>	<u>Obtain required building permit(s)²</u>
--	---	---	--

	<u>specify compliance Option</u>	<u>building permit(s)</u>	
<u>Category One Buildings</u>	<u>12</u>	<u>N/A</u>	<u>N/A</u>
<u>Category Two Buildings</u>	<u>12</u>	<u>15</u>	<u>24 27</u>
<u>Category Three Buildings</u>	<u>24</u>	<u>27</u>	<u>33 39</u>
<u>Category Four Buildings</u>	<u>30</u>	<u>33</u>	<u>39 45</u>

¹Unless otherwise specified, time period is in months measured from the effective date of this Chapter 11D.

²Pursuant 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 48 months of the date an application for a building permit is required to be filed unless an extension of time of time is granted pursuant to Section 1108D.

SECTION 1108D – EXTENSIONS OF TIME

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

(b) A written request for an extension of time shall be submitted to the Department or to the Access Appeals Commission prior to the time for compliance.

(c) For purposes of this Chapter 11D, good cause may include but is not limited to:

(1) The pendency of a request for a finding of Equivalent Facilitation or Technical Infeasibility;

(2) The desirability of coordinating the mandatory work required by this Chapter 11D with voluntary disability access improvements;

1 (3) Financial hardship;

2 (4) A legal hardship such as an existing lease; or

3 (5) A undue procedural delay by the Department or another reviewing City agency.

4 **SECTION 1109D – VOLUNTARY DISABILITY ACCESS IMPROVEMENTS**

5 In addition to the mandatory requirements of this Chapter 11D, the Owner may elect to make
6 additional corrections to the building or a portion thereof to comply with other State or Federal
7 disability access requirements.

8 **SECTION 1110D – APPEAL PROCEDURE**

9 Any procedure provided under this Code to appeal accessibility issues is available in order to
10 achieve compliance with this Chapter 11D. In addition, appeals to the Access Appeals Commission
11 may be made in accordance with the provisions of this Chapter 11D and 105A.3 of this Code.

12 **SECTION 1111D – ENFORCEMENT**

13 Whenever the Owner of a building within the scope of this Chapter 11D fails to undertake or
14 complete any action required by this Chapter within the time for compliance set forth in Table 1107D,
15 the Owner shall be considered to be in violation of this Code and the Building Official is authorized to
16 abate the violation in accordance with Section 102A of this Code.

17 **SECTION 1112D. DISABILITY ACCESS COMPLIANCE UNIT**

18 The Building Official shall establish within the Department a Disability Access Compliance
19 Unit to enforce this Chapter 11D and to perform such other duties as the Building Official shall
20 require. The Unit shall have at least one CASp Inspector from the Department and such other
21 departmental employees as the Building Official deems appropriate. The Compliance Unit shall consult
22 and coordinate with other City agencies with review authority over the permits necessary to comply
23 with the requirements of this Chapter, including but not limited to the Planning Department and
24 Department of Public Works, and any other City agencies that the Building Official determines are
25 necessary or desirable to achieve the purposes of this Chapter.

1 The Compliance Unit shall track and maintain records; coordinate review of checklists,
2 documents, and permits; provide information to the owners of buildings subject to this Chapter, tenants
3 of said buildings, and members of the public; provide guidance, training and assistance to the
4 Department's plan review staff and field inspectors; develop the informational material described in
5 Section 1113D; and provide such progress reports on the effectiveness of this Chapter as the
6 Compliance Unit deems appropriate or as the Building Official or the Access Appeals Commission may
7 require.

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

10 1113D.1. Coordination with Other Agencies. The Department shall coordinate with the
11 Planning Department, the Department of Public Works, and other City departments with review
12 authority over the accessibility improvements mandated or authorized by this Chapter 11D, as well as
13 with the Office of Small Business, the Mayor's Office on Disability, and other appropriate City
14 agencies, to develop and implement (1) outreach tools, (2) pre-screening procedures, (3) methods to
15 streamline the process, (4) proposed Code revisions, and (5) administrative bulletins, brochures,
16 checklists, and guidelines or other documents to implement the purpose and objectives of this Chapter.
17 The Checklist for Alterations to Commercial Storefront for Accessibility in existence on the effective
18 date of this Chapter 11D, as amended from time to time, and other guidance documents shall be used to
19 review and approve the disability access improvements mandated or authorized by this Chapter 11D.

20 1113D.2. Report to the Board of Supervisors. Within one year from the effective date of this
21 Chapter 11D, and following consultation and coordination with other appropriate City departments
22 and agencies, the Department shall submit a report in writing to the Board of Supervisors concerning
23 the effectiveness of this Chapter and including recommendations, if any, for amendments to this
24 Chapter. A progress report shall be submitted to the Board of Supervisors once a year thereafter until
25 completion of this Chapter's disability access improvement program.

1 **SECTION 1114D. NOTICE**

2 The Department shall post on its website the requirements of this Chapter 11D. The Department
3 shall also prepare any administrative bulletins, brochures, or other materials that the Building Official
4 determines are necessary or desirable to notify property owners and tenants about the requirements of
5 this Chapter and shall coordinate with the Office of Small Business and, in the Building Official's
6 discretion, other City departments concerning appropriate methods for providing notice about the
7 requirements.

8 **SECTION 1115D. ADMINISTRATIVE FEE**

9 In addition to any other permit fees that may apply, the Department shall charge the Owner of
10 each property within the scope of this Chapter 11D an administrative fee to compensate the
11 Department for the cost of the services necessary to implement and enforce Chapter 11D's disability
12 access improvement program. The administrative fee shall be the Standard Hourly Rate for
13 Administration set forth in Table 1A-D of this Code. The administrative fee is payable within 30 days of
14 the Department's notice that payment is due.

15
16 Section 4. The Building Code is hereby amended by revising Section 105A.3, to read
17 as follows:

18 **SEC. 105A.3 Access Appeals Commission.**

19 **105A.3.1 Establishment; composition; purpose.** Pursuant to the provisions of
20 Section 19957.5 of the Health and Safety Code of the State of California, there is hereby
21 established an Appeals Board to be known as the Access Appeals Commission composed of
22 five members to hear written appeals brought by any person regarding action taken by the
23 Department in the enforcement of the requirements of Part 5.5 (commencing with Section
24 19955), Division 13 of the Health and Safety Code of the State of California, including the
25

1 exceptions contained in Section 19957 thereof, as well as action taken by the Department in
2 the enforcement of the disability access and adaptability provisions of this code.

3 * * * *

4 **105A.3.3 Powers and duties; finality.** The Access Appeals Commission shall conduct
5 hearings on written appeals made under Section 105A.3.4 hereof. In hearing such appeals,
6 the Access Appeals Commission may approve or disapprove the Department's interpretations
7 of Part 5.5, Division 13 of the Health and Safety Code of the State of California and of the
8 disability access and adaptability requirements of this code and actions taken by the
9 Department to enforce said requirements and abate violations. The Commission shall also make
10 determinations on equivalent facilitation, technical infeasibility, unreasonable hardship, extensions of
11 time, and such other matters as Chapter 11D – Mandatory Accessibility Improvements for Buildings
12 with a Place of Public Accommodation may require or authorize. All such approvals or disapprovals
13 shall be final and conclusive as to the Department, in the absence of fraud or prejudicial
14 abuse of discretion. See Section 110A, Table 1A-K – Penalties, Hearings, Code Enforcement
15 Assessments – for applicable fee.

16 * * * *

17 Section 5. The Administrative Code is hereby amended by revising Section 38.3, to
18 read as follows:

19 **SEC. 38.3. DISABILITY ACCESS IMPROVEMENTS; NOTICE OF DISABILITY ACCESS**
20 **OBLIGATIONS.**

21 (a) Before entering into or amending a Lease, a Commercial Landlord shall either:

22 (1) Ensure that existing public restrooms, ground floor entrances, and ground
23 floor exits are accessible by removing all architectural barriers to disability access, to the
24 extent that such improvements are required by and "readily achievable, i.e., easily
25 accomplishable and able to be carried out without much difficulty or expense" within the

1 meaning of any applicable provisions of Title 28, Sections 36.304 and 36.305, of the Code of
2 Federal Regulations; or,

3 (2) Provide written notice to any prospective Small Business Tenant that the
4 property may not currently meet all applicable construction-related accessibility standards,
5 including standards for public restrooms and ground floor entrances and exits.

6 (3) Provide written notice to any prospective Small Business Tenant of the
7 mandatory requirements of Chapter 11D of the Building Code that are applicable to all places of
8 public accommodation.

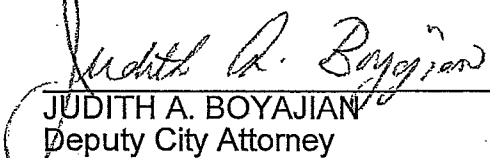
9
10 Section 6. Effective and Operative Dates.

11 (a) This ordinance shall become effective 30 days after enactment. Enactment
12 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
13 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
14 overrides the Mayor's veto of the ordinance.

15 (b) This ordinance shall become operative 60 days after enactment.

16
17 Section 7. Directions to Clerk. The Clerk of the Board of Supervisors shall forward a
18 copy of this ordinance to the California Building Standards Commission upon its enactment.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 
23 JUDITH A. BOYAJIAN
24 Deputy City Attorney

25 n:\legana\as2014\1400314\01090707.doc

LEGISLATIVE DIGEST

[Building, Administrative Codes - Mandatory Disability Access Improvements; Administrative Fee]

Ordinance amending the Building Code 1) to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, 2) to establish a Disability Access Compliance Unit within the Department of Building Inspection, and 3) to establish a fee to offset the costs of the disability access improvement program; amending Chapter 38 of the Administrative Code to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code, and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

Existing Law

Chapter 11B of the Building Code contains disability access requirements adopted by the State of California applicable to the construction and alteration of commercial buildings and other uses that are "places of public accommodation." Title III of the Americans with Disabilities Act (known as the "ADA") also requires that "places of public accommodation" be accessible to persons with disabilities. In addition to federal and state construction-related disability access requirements, the Unruh Civil Rights Act (California Civil Code Section 51 through 51.3) requires that all business establishments provide "full and equal accommodations, advantages, facilities, privileges, or services."

Chapter 38 of the Administrative Code requires that before a building owner leases space to a small business for use as a public accommodation, the owner must either (1) ensure that existing public restrooms, ground floor entrances, and ground floor exits are accessible, if accessibility is required and readily achievable, or (2) provide written notice to the prospective tenant that the property may not currently meet all construction-related accessibility standards.

While the ADA requires the removal of architectural barriers in existing buildings to provide accessibility if barrier removal is readily achievable, California's construction-related disability access requirements are triggered only upon application for a permit to construct or modify a building. California Health and Safety Code Section 17958.7 authorizes the City to enact more restrictive requirements than the State Building Code but requires the Board of Supervisors to

AMENDED IN COMMITTEE

3/23/16

FILE NO. 150732

make a finding that any modifications to the State law are reasonably necessary because of climatic, geological, or topographical conditions.

Amendments to Current Law

This ordinance adds Chapter 11D to the Building Code to require that the primary entry or entries and path of travel into any existing building with a "place of public accommodation" be inspected and either comply with minimum accessibility standards or receive from the City a determination that "equivalent facilitation" has been achieved or that compliance is "technically infeasible" or would be an "unreasonable hardship," as those terms are defined in the Building Code. A building that was constructed under the Building Code in effect on or after January 1, 2002 is presumed to be accessible and exempted from the scope of Chapter 11D. Since Chapter 11D is more restrictive than State law, the Board of Supervisors is required to make the findings of local conditions and forward the legislation to the State Building Standards Commission upon enactment. Chapter 38 of the Administrative Code is amended to provide that the required written notice also inform a Small Business Tenant of the mandatory requirements of Chapter 11D of the Building Code.

Buildings within the scope of Chapter 11D are put into four compliance categories. The Compliance Schedule in Table 1107D provides deadlines for (1) submitting information to the Building Department, (2) filing an application for the building permits required to do any mandatory upgrades, and (3) obtaining the required building permits. All mandated work must be completed within the time period required by the Building Code unless an extension of time is granted. The Building Official may grant one extension of time for no more than six months from the compliance deadlines; any additional extensions of time must be granted by the Access Appeals Commission. In no event may the time to complete the mandatory work be extended beyond six years from the effective date of Chapter 11D. To encourage voluntary upgrades to disability access elements, in addition to those mandated for the Primary Entry or Entries and Accessible Entrance Route(s), the valuation of both the mandatory disability access improvements and any additional voluntary improvements that follow the Building Code's recommended order of priority may be used to comply with future path of travel upgrade requirements.

If unable to comply with the mandated Code requirements, the building owner may request a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship. The Building Department, in consultation with the Access Appeals Commission and other City departments or agencies, will develop standard guidelines and other documents to be used for making these determinations. A request that does not comply with these standards will have to be approved by the Access Appeals Commission.

A Disability Access Compliance Unit will be established within the Building Department to enforce the requirements of Chapter 11D and to perform such other duties as the Director of the Department requires. The Compliance Unit will have at least one Building Department CASp Inspector and will consult and coordinate with representatives from the Planning

AMENDED IN COMMITTEE

3/23/16

FILE NO. 150732

Department, Department of Public Works, and other City agencies with review authority over the permits required to comply with Chapter 11D or that the Director of the Building Department determines should be included. In addition to any duties that the Director of the Building Department may assign to the Compliance Unit, the Unit will track and maintain records; coordinate review of checklists, documents, and permits; provide information on Chapter 11D's requirements to building owners and tenants, as well as to members of the public; provide guidance, training and assistance to the Building Department's plan review staff and field inspectors; and develop informational material. In addition to any other permit fees that may apply, the Department will charge the owner of each property within the scope of Chapter 11D the administrative fee in Table 1A-D of the Building Code to compensate the Department for the costs of the disability access improvement program.

The requirements of Chapter 11D become operative 60 days after enactment. Within one year of the Chapter's effective date, the Building Department must submit a written report to the Board of Supervisors concerning the effectiveness of Chapter 11D and include any recommendations for amendments. A progress report must be submitted to the Board once a year thereafter until completion of the disability access improvement program.

Chapter 11D expressly states that nothing in the Chapter is intended to (1) relieve the owner or operator of a place of public accommodation of their obligation to comply with the requirements of any Federal or State law, including but not limited to the Americans with Disabilities Act, or to modify or extend the time for compliance with any such law or (2) interfere with any contractual obligations between the owner of a building within the scope of Chapter 11D and any lessee of space within the building.

Background Information

California Building Code Section 11B-202.4 ranks an accessible entrance as the accessibility element that should be given the highest priority in making disability access improvements. However, the California Commission on Disability Access has found that not having an accessible entry and path of travel into the building is one of the top ten construction-related violations. Because of San Francisco's hilly topography, narrow sloping sidewalks, old building stock with narrow facades, and buildings often constructed to the property lines and/or adjacent to the fronting sidewalk, San Francisco has many buildings housing places of public accommodation that have either inaccessible front entries, inaccessible access routes into the building, or both. Building owners often require their tenants to assume the responsibility for complying with code requirements but disability access improvements often are not financially feasible for small businesses with short-term leases. Thus, the Building Code's assumption that disability access and other improvements will be made over time does not, in fact, always occur in these buildings. The challenges of San Francisco's topography and built environment are the local conditions supporting the enactment of more restrictive requirements than the State Building Code.

AMENDED IN COMMITTEE

3/23/16

FILE NO. 150732

The City has a strong interest in ensuring that (1) all places of public accommodation in San Francisco are in compliance with state and federal disability access laws and (2) building owners who lease all or portions of their buildings for use as places of public accommodation assume responsibility for either bringing their buildings into compliance with these laws or obtaining a determination from the City that compliance is infeasible or would be an unreasonable hardship. The City demonstrated its commitment to this public interest by enacting Ordinance 187-12 in September 2012, which added Chapter 38 to the Administrative Code. Chapter 38 requires that before a building owner leases space to a small business for use as a public accommodation, the owner must either (1) ensure that existing public restrooms, ground floor entrances, and ground floor exits are accessible, if accessibility is required and readily achievable, or (2) provide written notice to the prospective tenant that the property may not currently meet all construction-related accessibility standards. The mandate of Chapter 11D furthers the City's objectives.

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C: BOS



Mayor's Office
on Disability

City and County of San Francisco

Edwin M. Lee
Mayor

Naomi Kelly

City Administrator

Carla Johnson, CBO, CASp.
Director

March 18, 2016

London Breed
President
Board of Supervisors
City Hall
1 Dr. Carlton Goodlett Place, Room 244
San Francisco, CA 94102

File No. 150732- Mandatory Disability Access Improvements

Dear President Breed,

I am writing in support of File No. 150732, proposed legislation introduced by Supervisor Katy Tang in July 2015. This legislation is an ordinance amending the San Francisco Building Code. It would require any existing building with a place of public accommodation to have all primary entries and path of travel into the building accessible for people with disabilities, or for the owner to receive a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship.

When the Americans with Disabilities Act (ADA) passed in 1990 it imposed obligations on public accommodations to remove the barriers to their services that were readily achievable. Twenty five years later, this broad civil rights legislation has still not been fully implemented because many of San Francisco's smaller businesses in some of our older buildings have struggled to understand or comply with the mandate. Those businesses that remain inaccessible cannot provide critical services to people with disabilities, which means the business loses valuable clients and is at risk of ADA lawsuits.

The City has made many different efforts over the last two decades to increase awareness about disability compliance. There has been outreach, education, financial assistance, and free accessibility assessments under the CASp program. Supervisor Tang made this issue one of her priorities, going back to the years when she served as an Aide to Supervisor Carmen Chu. Unfortunately, barriers remain at all too many businesses. This legislation is intended to correct that deficiency.

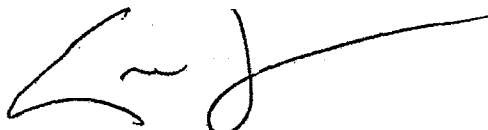
I wish to commend Supervisor Tang and her aide Dyanna Quizon for their efforts developing this ordinance and bringing it to the Board of Supervisors. They led a collaborative effort that included Regina Dick-Endrizzi from the Office of Small Business, Richard Halloran from the Department of Building Inspection, the Public Works Department, the Planning Department, members of the Access

Appeals Commission and many others. This legislation is thoughtful and practical and it accomplishes our shared goals to make San Francisco more accessible.

I look forward to working with the Board of Supervisors and the stakeholders, including the business community and the disability community, as we develop information and the staffing structure to support this new program.

Thank you for your support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carla Johnson', with a long horizontal flourish extending to the right.

Carla Johnson, CBO, CASp
Director

cc: Members of the Board of Supervisors
Angela Calvillo, Clerk of the Board.



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection Voice (415) 558-6164 - Fax (415) 558-6509
1660 Mission Street, San Francisco, California 94103-2414

February 18, 2016

Edwin M. Lee
Mayor

COMMISSION

Angus McCarthy
President

Myrna Melgar
Vice-President

Kevin Clinch
Gail Gilman
John Konstin
Frank Lee
Debra Walker

Sonya Harris
Secretary

Tom C. Hui
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

RE: File No. 150732

Dear Ms. Calvillo:

RE: Ordinance (File No. 150732) amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

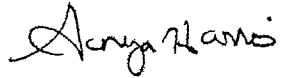
The Building Inspection Commission met and held a public hearing on February 17, 2016 regarding File No. 150732 on the proposed amendment to the San Francisco Building Code referenced above. The Commissioners voted unanimously to support this proposed amendment.

The Commissioners voted as follows:

President McCarthy	Yes	Vice-President Melgar	Yes
Commissioner Clinch	Yes	Commissioner Gilman	Yes
Commissioner Konstin	Yes	Commissioner Lee	Yes
Commissioner Walker	Yes		

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,



Sonya Harris
Commission Secretary

cc: Tom C. Hui, S.E., Director
Supervisor Katy Tang
Board of Supervisors


Wong, Linda (BOS)

From: Somera, Alisa (BOS)
Sent: Monday, February 22, 2016 5:13 PM
To: Wong, Linda (BOS)
Subject: FW: File No. 150732
Attachments: File No. 150732.pdf

Budget File 150732

Alisa Somera

Assistant Clerk
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.4447 direct | 415.554.5163 fax
alisa.somera@sfgov.org

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**From:** Harris, Sonya (DBI)  
**Sent:** Friday, February 19, 2016 11:22 AM  
**To:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>  
**Subject:** File No. 150732

Hello Ms. Calvillo,

Please see the attached transmittal letter from the Building Inspection Commission regarding File No. 150732 – Ordinance amending the Building Code to require any existing building with a place of public accommodation either have all primary path of travel into the building accessible by persons with disabilities, in addition to other requirements.

Thank you.

Sonya Harris  
Commission Secretary

*Sonya Harris*

Secretary

Building Inspection Commission

(415) 558-6164 (Phone)

(415) 558-6509 (Fax)

Email: [sonya.harris@sfgov.org](mailto:sonya.harris@sfgov.org) Web: [www.sfdbi.org](http://www.sfdbi.org)

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Tom Hui, Acting Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM: Linda Wong, Assistant Clerk, Budget and Finance Committee, Board of Supervisors

DATE: September 24, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Budget and Finance Committee has received the following legislation, introduced by Supervisor Tang:

**File No. 150732**

**Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.**

The proposed ordinance is being transmitted pursuant to Charter Section D3.750-5 for public hearing and recommendation. It is pending before the Budget and Finance 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.

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection

## Wong, Linda (BOS)

---

**From:** Wong, Linda (BOS)  
**Sent:** Thursday, September 24, 2015 3:31 PM  
**To:** Hui, Tom (DBI); Harris, Sonya (DBI)  
**Cc:** Strawn, William (DBI); Jayin, Carolyn (DBI)  
**Subject:** File No. 150732 - REFERRAL FROM BOARD OF SUPERVISORS (Budget & Finance Committee)  
**Attachments:** 150732.pdf

Good afternoon,

Attached is a referral for BOS File No. 150732, which is being sent to you pursuant to Charter Section D3.750-5 for public hearing and recommendation. It is pending before the Budget and Finance Committee and will be scheduled for hearing upon receipt of your response.

Please do not hesitate to contact me if have any questions.

Sincerely,

Linda Wong  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: 415.554.7719 | Fax: (415) 554-5163  
[Linda.Wong@sfgov.org](mailto:Linda.Wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

**The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.**

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Major, Erica (BOS)

---

**From:** Major, Erica (BOS)  
**Sent:** Tuesday, July 14, 2015 3:15 PM  
**To:** Jones, Sarah (CPC)  
**Cc:** Navarrete, Joy (CPC); Poling, Jeanie (CPC); Ausberry, Andrea  
**Subject:** REFERRAL ER (150732) Building Code - Mandatory Disability Access Improvements; Administrative Fee  
**Attachments:** 150732 - ER.pdf


Greetings:

Attached is a referral for the Planning Department's environmental review. Please forward your determination to [Andrea.Ausberry@sfgov.org](mailto:Andrea.Ausberry@sfgov.org) as soon as possible.

Thank you in advance.

(Sent on behalf of Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee)

**Erica Major**  
**Assistant Committee Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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BOARD of SUPERVISORS



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

July 14, 2015

File No. 150732

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On July 7, 2015, the Supervisor Tang introduced the following legislation:

**File No. 150732**

**Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

434 Joy Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2015.07.23 16:47:02 -0700

## Major, Erica (BOS)

---


**From:** Major, Erica (BOS)  
**Sent:** Tuesday, July 14, 2015 3:15 PM  
**To:** Hui, Tom (DBI); Johnson, Carla (ADM)  
**Cc:** Strawn, William (DBI); Jayin, Carolyn (DBI); Harris, Sonya (DBI)  
**Subject:** REFERRAL FYI (150732) Building Code - Mandatory Disability Access Improvements; Administrative Fee  
**Attachments:** 150732 FYI.pdf

Greetings:

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to [Andrea.Ausberry@sfgov.org](mailto:Andrea.Ausberry@sfgov.org) at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Thank you.

**Erica Major**  
**Assistant Committee Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Tom Hui, Director, Building Inspection Commission  
Carla Johnson, Interim Director, Mayor's Office on Disability

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation  
Committee, Board of Supervisors

DATE: July 14, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Tang on July 7, 2015:

**File No. 150732**

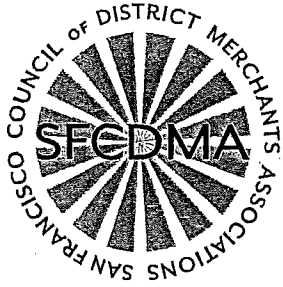
**Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:  
William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Sonya Harris, Building Inspection Commission



150732



## SAN FRANCISCO COUNCIL OF DISTRICT MERCHANTS ASSOCIATIONS

Henry Karnilowicz  
President

Maryo Mogannam  
Vice President

Dani Sheehan-Meyer  
Secretary

Keith Goldstein  
Treasurer

February 21, 2016

San Francisco Board Of Supervisors  
Land Use & Transportation  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Dear Supervisors Cohen, Wiener and Peskin,

I am writing to you on behalf of the San Francisco Council of District Merchants Associations to inform you that at our last meeting on Tuesday, February 16, 2016, Dyanna Quizon, the aide to supervisor Katy Tang, did a presentation on the ordinance File #160732, for Mandatory Disability Access Improvements.

We considered this to be good legislation for small business, which we hope will not only give second thought to drive-by lawsuits but we also are mindful of our disabled brothers and sisters, and we support them having access to our businesses not only as customers but also as employees.

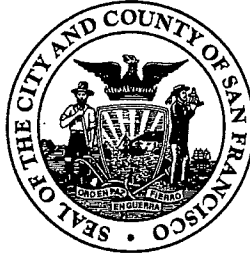
We therefor voted in support of this ordinance and urge you to do likewise.

Sincerely,

Henry Karnilowicz  
SFCDMA President

Cc:  
Supervisor Malia Cohen  
Supervisor Aaron Peskin  
Supervisor Scott Wiener

BOARD of SUPERVISORS



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

## NOTICE OF PUBLIC HEARING

### BUDGET AND FINANCE SUB-COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Budget and Finance Sub-Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** March 23, 2016

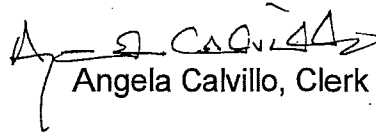
**Time:** 10:00 a.m.

**Location:** Legislative Chamber, Room 250, located at City Hall,  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 150732. Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; amending Administrative Code, Chapter 38, to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

If the legislation passes, the Department of Building Inspection shall establish an administration fee of \$96.76 per hour to compensate the department for the cost of the services necessary to implement and enforce the Disability Access Improvement Program.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, March 18, 2016.

  
Angela Calvillo, Clerk of the Board

DATED: March 11, 2016

PUBLISHED: March 13, 2016, and March 19, 2016



公聽會通知

三藩市市及縣市參事委員會  
預算及財政小組委員會

- 日期: 2016年3月23日星期三
- 時間: 上午10時
- 地點: 市政廳，立法會議廳 250 室，1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- 議題: 檔案號碼 150732。該項條例修訂建築物法規要求任何現有設公共處所的建築物，須確保全部所設的通往建築物主要通道與進路便於殘疾人士暢道通行，或須收到市府就相對應利便、技術不可行或不合理困難所作出的規定，要求樓宇檢查局成立殘障通道合規部（Disability Access Compliance Unit），設立收費以抵消殘疾人士通道改善計劃的費用；修訂行政法規第38章，要求建築物業主在任何新或經修訂的公共處所租約上發出有關建築物法規對主要通道與進路暢道通行規定的通知書；依據「加州環境質量法」（California Environmental Quality Act）明確規劃局的決定；依據「加州健康與安全法」作出有關本地條款的裁斷，並根據最終通過，指引市參事委員會書記向加州建築物標準委員會（California Building Standards Commission）提出立法。

  
Angela Calvillo  
市參事委員會書記



## NOTIFICACIÓN DE AUDIENCIA PÚBLICA

### JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SAN FRANCISCO SÚBCOMITÉ DE PRESUPUESTO Y FINANZAS


SE NOTIFICA POR LA PRESENTE que la Junta de Supervisores celebrará una audiencia pública para considerar la siguiente propuesta y dicha audiencia pública se celebrará de la siguiente manera, en tal momento que todos los interesados podrán asistir y ser escuchados:

**Fecha:** Miércoles, 23 de marzo de 2016

**Hora:** 10:00 a.m.

**Lugar:** Cámara Legislativa, Sala 250 del Ayuntamiento  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Asunto:** Expediente Núm. 150732. Ordenanza que enmienda el Código de Construcción para exigir que cualquier edificio actual, con un sitio de acomodaciones públicas, tenga todas las entradas principales y el camino al edificio accesibles para personas con discapacidades, o que en vez reciba por parte de la ciudad una constatación que comprueba una facilitación equivalente, inviabilidad técnica o una dificultad insuperable, que establezca una Unidad que Cumpla con las Normas de Accesibilidad para Personas con Discapacidades conforme con el Departamento de Inspección de Edificios, que establezca una cuota para compensar los costos del programa de mejoras para el acceso de personas con discapacidades; enmienda el Capítulo 38 del Código Administrativo para requerir al propietario de un edificio a que dé un aviso sobre los requisitos de accesibilidad sobre entradas y caminos principales que el Código de Construcción determina obligatorios en cualquier contrato de arrendamiento nuevo o emendado en cuanto a edificios públicos; afirma la determinación del Departamento de Planificación según la Ley de Calidad Medioambiental de California; realiza conclusiones de las condiciones locales según el Código de Salud y Seguridad de California, y dirige a la Secretaria de la Junta de Supervisores a enviar el proyecto de ley a la Comisión de Normas de Construcción de California después de su aprobación final.

  
Angela Calvillo,  
Secretaria de la Junta

# CALIFORNIA NEWSPAPER SERVICE BUREAU

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Linda Wong  
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description: File No. 150732 - Fee Ad

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

03/13/2016 , 03/19/2016

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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| ORANGE COUNTY REPORTER, SANTA ANA          | (714) 543-2027 |
| SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO | (800) 640-4829 |
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| THE DAILY TRANSCRIPT, SAN DIEGO            | (619) 232-3486 |
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CNS 2857288

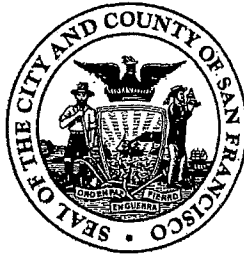
**NOTICE OF PUBLIC HEARING  
BOARD OF SUPERVISORS OF THE  
CITY AND COUNTY OF SAN FRAN-  
CISCO BUDGET AND FINANCE SUB-  
COMMITTEE WEDNESDAY, MARCH  
23, 2016 - 10:00 A.M. LEGISLATIVE  
CHAMBER, ROOM 250, CITY HALL, 1  
DR. CARLTON B. GOODLETT PLACE,  
SAN FRANCISCO, CA**

NOTICE IS HEREBY GIVEN THAT the Budget and Finance Sub-Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150732. Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; amending Administrative Code, Chapter 38, to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage. If the legislation passes, the Department of Building Inspection shall establish an administration fee of \$96.76 per hour to compensate the department for the cost of the services necessary to implement and enforce the Disability Access Improvement Program. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, March 18, 2016. Angela Calvillo, Clerk of the Board



\* A 0 0 0 0 0 4 0 3 7 2 2 1 \*

President, District 5  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7630  
Fax No. 554-7634  
TDD/TTY No. 544-5227

BOS-11, COB, Leg B  
LU, B+F, Rep City  
Atty  
Members

London Breed

PRESIDENTIAL ACTION

Date: 03/02/16  
To: Angela Calvillo, Clerk of the Board of Supervisors

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 MAR -2 AM 11:32  
AK

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_ (Primary Sponsor)

Title. \_\_\_\_\_

Transferring (Board Rule No. 3.3)

File No. 150732 Tang (Primary Sponsor)

Title. Mandatory Disability Access Improvements

From: Land Use & Transportation Committee

To: Budget & Finance Sub Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

London Breed, President

443 Board of Supervisors

President, District 5  
BOARD of SUPERVISORS



File 150732  
Bos II, COB, Leg Dep,  
Dep City atty, Mayors  
B+F, LM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7630  
Fax No. 554-7634  
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 02/29/16  
To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_ (Primary Sponsor)

Title. \_\_\_\_\_

Transferring (Board Rule No. 3.3)

File No. 150732 Tang (Primary Sponsor)

Title. Mandatory Disability Access Improvements

From: Budget & Finance Committee

To: Land Use & Transportation Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

RECEIVED  
FEB 29 11:30 AM  
CITY CLERK'S OFFICE

*London Breed*

London Breed, President

Board of Supervisors



BOARD of SUPERVISORS



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

March 3, 2016

File No. 150732

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On February 23, 2016, Supervisor Katy Tang introduced the following substituted legislation:

File No. 150732

**Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; amending Administrative Code, Chapter 38, to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Linda Wong, Assistant Clerk

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning 445

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
John Rahaim, Director, Planning Department  
Carla Johnson, Interim Director, Mayor's Office on Disability  
Mohammed Nuru, Director, Department of Public Works  
Richard Halloran, Secretary, Access Appeals Commission

FROM: Linda Wong, Assistant Clerk, Budget and Finance Sub-Committee

DATE: March 3, 2016

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Budget and Finance Sub-Committee has received the following substituted legislation, introduced by Supervisor Tang:

**File No. 150732**

**Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; amending Administrative Code, Chapter 38, to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Frank Lee, Department of Public Works

## Wong, Linda (BOS)

---

**From:** Wong, Linda (BOS)  
**Sent:** Thursday, March 03, 2016 2:57 PM  
**To:** Hui, Tom (DBI); Rahaim, John (CPC); Johnson, Carla (ADM); Nuru, Mohammed (DPW); Halloran, Richard (DBI)  
**Cc:** Tom, Ronald (DBI); Strawn, William (DBI); Jayin, Carolyn (DBI); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Lee, Frank (DPW)  
**Subject:** File No. 150732 - REFERRAL FROM BOARD OF SUPERVISORS (Budget & Finance Sub-Committee)  
**Attachments:** 150732 referral.pdf

Good afternoon,

Attached is a referral for BOS File No. 150732, which is being sent to you for informational purposes. If you have any comments or reports to be included with the file, please respond to this email or forward them to me at the address listed below.

### File No. 150732

Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; amending Administrative Code, Chapter 38, to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

Sincerely,

Linda Wong  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: 415.554.7719 | Fax: (415) 554-5163  
[Linda.Wong@sfgov.org](mailto:Linda.Wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

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BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
Small Business Commission, City Hall, Room 448

FROM: Linda Wong, Assistant Clerk, Budget and Finance Sub-Committee,  
Board of Supervisors

DATE: March 3, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Budget and Finance Sub-Committee

The Board of Supervisors' Budget and Finance Sub-Committee has received the following substituted legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150732

**Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; amending Administrative Code, Chapter 38, to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

**No Comment**

**Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Small Business Commission**

## Wong, Linda (BOS)

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**From:** Wong, Linda (BOS)  
**Sent:** Thursday, March 03, 2016 2:38 PM  
**To:** Dick-Endrizzi, Regina (ECN)  
**Subject:** File No. 150732 - REFERRAL FROM BOARD OF SUPERVISORS (Budget & Finance Sub-Committee)  
**Attachments:** 150732 sb.pdf

Hi Regina,

The Board of Supervisors' Budget and Finance Sub-Committee has received the following substituted legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

### File No. 150732

**Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; amending Administrative Code, Chapter 38, to require a building owner to give notice of the mandatory Building Code primary entry and path of travel accessibility requirements in any new or amended public accommodation lease; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.**

If the Small Business Commission wishes to submit a response, please send it directly to me at the address provided below.

Sincerely,

Linda Wong  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: 415.554.7719 | Fax: (415) 554-5163  
[Linda.Wong@sfgov.org](mailto:Linda.Wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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Print Form

# Introduction Form

By a Member of the Board of Supervisors or the 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 [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ 150732 ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) 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 a Imperative**

**Sponsor(s):**

Tang

**Subject:**

Mandatory Disability Access Improvements; Building Owner's Notice to Tenant; Administrative Fee

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor: *[Handwritten Signature]*

For Clerk's Use Only: