

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place  
Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

October 12, 2017

SENT CERTIFIED MAIL (Return Receipt Requested)

California Building Standards Commission  
State of California  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

**SUBJECT: Transmittal of San Francisco Building Code Amendments**

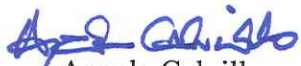
To Whom It May Concern:

Pursuant to California Health & Safety Code, Section 17958.7, enclosed please find a certified copy of the following legislation, which was finally passed by the Board of Supervisors of the City and County of San Francisco, and approved by the Mayor, on the dates specified below:

- **Ordinance No. 200-17 (File No. 170837)** – Ordinance amending Chapter 11D of the Building Code to extend the time for compliance with the requirement that an existing building with a place of public accommodation either have all primary entries and path of travel into the building accessible by persons with disabilities or receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, the Department of Building Inspection's report to the Board of Supervisors, and the limitation on granting extensions of time; restating the 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.  
*(Board of Supervisors - Finally Passed on 9/26/2017) (Mayor - Approved on 10/05/2017)*

If you have any questions or require additional information, please contact Erica Major, Assistant Clerk, at (415) 554-4441 or email [Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org).

Sincerely,

  
Angela Calvillo  
Clerk of the Board

1 [Building Code - Mandatory Disability Access Improvements - Extension of Time For  
2 Compliance and Report to the Board of Supervisors]

3 **Ordinance amending Chapter 11D of the Building Code to extend the time for**  
4 **compliance with the requirement that an existing building with a place of public**  
5 **accommodation either have all primary entries and path of travel into the building**  
6 **accessible by persons with disabilities or receive from the City a determination of**  
7 **equivalent facilitation, technical infeasibility, or unreasonable hardship, the Department**  
8 **of Building Inspection's report to the Board of Supervisors, and the limitation on**  
9 **granting extensions of time; restating the findings of local conditions under the**  
10 **California Health and Safety Code; and directing the Clerk of the Board of Supervisors**  
11 **to forward the legislation to the California Building Standards Commission upon final**  
12 **passage.**

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

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

19 Section 1. Background and General Findings.

20 (a) Pursuant to Charter Section D3.750-5, the Building Inspection Commission  
21 considered this ordinance at a duly noticed public hearing held on May 17, 2017.

22 (b) Chapter 11D of the Building Code was enacted on April 22, 2016 by Ordinance  
23 No. 0051-16 and became effective on May 22, 2016. Its operative date was 60 days after  
24 enactment. Section 1107D establishes a timeline for the owner of an existing building with a  
25 place of public accommodation to (1) have the building inspected for compliance with

1 disability access requirements under specified circumstances and (2) either have a Primary  
2 Entry or Entries and Accessible Entrance Route into the building that is usable by persons  
3 with disabilities, or obtain a finding from the City that compliance is technically infeasible or is  
4 an unreasonable hardship.

5  
6 Section 2. Restatement of Local Conditions under California Health and Safety Code  
7 Section 17958.7. As stated in Ordinance No. 0051-16:

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

12 (b) The City also has numerous defined neighborhood commercial districts, which  
13 conveniently provide retail goods and services to neighborhood residents and workers as well  
14 as visitors to the area. A common feature of these older neighborhood shopping areas is  
15 small-scale development and a pattern of small buildings with a narrow frontage and a  
16 continuous facade line that abuts the fronting sidewalk. Another common feature is the  
17 commercial-residential mixed use of the buildings and a pattern of commercial space on the  
18 ground floor with residential flats on the upper floors.

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

1 Section 3. The Building Code is hereby amended by revising Sections 1107D, 1108D,  
2 and 1113D, to read as follows:

3  
4 **Chapter 11D**  
5 **MANDATORY ACCESSIBILITY IMPROVEMENTS FOR BUILDINGS WITH A PLACE**  
6 **OF PUBLIC ACCOMMODATION**

7 \* \* \* \*

8 **SECTION 1107D – COMPLIANCE SCHEDULE; OPTION TO COMPLY WITH CURRENT**  
9 **CODE REQUIREMENTS**

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

16 **TABLE 1107D**  
17 **COMPLIANCE SCHEDULE<sup>1</sup>**

	<b>Submit compliance Checklist and specify compliance Option</b>	<b>File application for required building permit(s)</b>	<b>Obtain required building permit(s)<sup>2</sup></b>
18 Category One Buildings	<del>12</del> <u>24</u>	N/A	N/A
19 Category Two Buildings	<del>12</del> <u>24</u>	<del>15</del> <u>27</u>	<del>27</del> <u>39</u>
20 Category Three Buildings	<del>24</del> <u>36</u>	<del>27</del> <u>39</u>	<del>39</del> <u>51</u>
21 Category Four Buildings	<del>30</del> <u>42</u>	<del>33</del> <u>45</u>	<del>45</del> <u>57</u>

22  
23  
24  
25

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

3 <sup>2</sup>Pursuant to Section 1106D.4, all mandated work must be completed within the time  
4 periods specified in Section 106A.4.4 of this Code for Permit Expiration unless an extension of  
time of time is granted pursuant to Section 1108D

5 **SECTION 1108D – EXTENSIONS OF TIME**

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

12 \* \* \* \*

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

15 \* \* \* \*

16 **1113D.2. Report to the Board of Supervisors.** Within ~~one~~ two years from the  
17 effective date of this Chapter 11D , and following consultation and coordination with other  
18 appropriate City departments and agencies, the Department shall submit a report in writing to  
19 the Board of Supervisors concerning the effectiveness of this Chapter and including  
20 recommendations, if any, for amendments to this Chapter. A progress report shall be  
21 submitted to the Board of Supervisors once a year thereafter until completion of this Chapter's  
22 disability access improvement program.

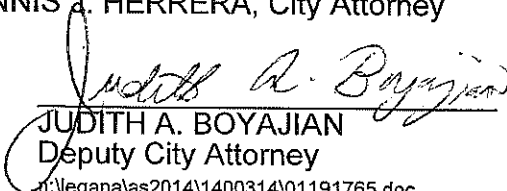
23  
24 Section 4. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 5. Directions to Clerk. The Clerk of the Board of Supervisors shall forward a  
5 copy of this ordinance to the California Building Standards Commission upon its enactment.

6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By:

  
9 JUDITH A. BOYAJIAN  
Deputy City Attorney

10 n:\legana\as2014\1400314\01191765.doc



City and County of San Francisco  
Tails  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 170837

Date Passed: September 26, 2017

Ordinance amending Chapter 11D of the Building Code to extend the time for compliance with the requirement that an existing building with a place of public accommodation either have all primary entries and path of travel into the building accessible by persons with disabilities or receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, the Department of Building Inspection's report to the Board of Supervisors, and the limitation on granting extensions of time; restating the 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.

September 11, 2017 Land Use and Transportation Committee - RECOMMENDED

September 19, 2017 Board of Supervisors - PASSED ON FIRST READING

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy and Yee

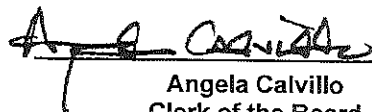
Excused: 4 - Cohen, Farrell, Safai and Tang


September 26, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170837

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/26/2017 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

10/5/2017  
Date Approved



City and County of San Francisco  
Certified Copy  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

170837 [ Building Code - Mandatory Disability Access Improvements - Extension of Time For Compliance and Report to the Board of Supervisors ]

Sponsor: Tang

Ordinance amending Chapter 11D of the Building Code to extend the time for compliance with the requirement that an existing building with a place of public accommodation either have all primary entries and path of travel into the building accessible by persons with disabilities or receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, the Department of Building Inspection's report to the Board of Supervisors, and the limitation on granting extensions of time; restating the 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.

9/19/2017 Board of Supervisors - PASSED ON FIRST READING

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy and Yee  
Excused: 4 - Cohen, Farrell, Safai and Tang

9/26/2017 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

10/5/2017 Mayor - APPROVED

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Ordinance is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

October 10, 2017

Date

Angela Calvillo  
Clerk of the Board