

File No. 170837 Committee Item No. 2  
Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date September 11, 2017

Board of Supervisors Meeting Date \_\_\_\_\_

**Cmte Board**

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

- |                                     |                          |                     |
|-------------------------------------|--------------------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | BIC Ltr 052517      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral FYI 072117 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SBC Response 082317 |
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Completed by: Erica Major Date September 8, 2017  
Completed by: Erica Major Date \_\_\_\_\_

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**  
**MANDATORY ACCESSIBILITY IMPROVEMENTS FOR BUILDINGS WITH A PLACE**  
5 **OF PUBLIC ACCOMMODATION**

6 \* \* \* \*

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

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

15 **TABLE 1107D**  
16 **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> |
|----|--|---|---|
| 17 | Category One Buildings   | N/A   | N/A   |
| 18 | Category Two Buildings   | <del>12</del> <u>24</u>                                 | <del>27</del> <u>39</u>                               |
| 19 | Category Three Buildings   | <del>24</del> <u>36</u>                                 | <del>39</del> <u>51</u>                               |
| 20 | Category Four Buildings  | <del>30</del> <u>42</u>                                 | <del>45</del> <u>57</u>                               |

21  
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

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## LEGISLATIVE DIGEST

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

**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.**

### Existing Law

Chapter 11D of the Building Code was enacted on April 22, 2016 by Ordinance No. 0051-16 and became effective on May 22, 2016. Its operative date was 60 days after enactment. Section 1107D establishes a timeline for the owner of an existing building with a place of public accommodation to (1) have the building inspected for compliance with disability access requirements under specified circumstances and (2) either have a Primary Entry or Entries and Accessible Entrance Route into the building that is usable by persons with disabilities, or obtain a finding from the City that compliance is technically infeasible or is an unreasonable hardship. Section 1108D provides that in no event shall the Access Appeals Commission grant an extension of time to comply beyond six years from Chapter 11D's effective date. Section 1113D requires the Department of Building Inspection to submit within one year of Chapter 11D's effective date a written report to the Board of Supervisors on the effectiveness of Chapter 11D and any recommendations for amendments.

### Amendments to Current Law

The time within which the owner of an existing building with a place of public accommodation has to comply with the mandatory disability access requirements for the primary entrance and path of travel into the building is extended by one year. Also extended by one year is the time for the Department of Building Inspection to submit a written report to the Board and the six-year limitation on granting extensions of time to comply.

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**BUILDING INSPECTION COMMISSION (BIC)**

Department of Building Inspection

Voice (415) 558-6164 - Fax (415) 558-6509

1660 Mission Street, San Francisco, California 94103-2414

May 25, 2017

Edwin M. Lee  
Mayor

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

**COMMISSION**

Angus McCarthy  
President

Debra Walker  
Vice-President

Kevin Clinch  
Gail Gilman  
John Konstin  
Frank Lee  
James Warshell

Sonya Harris  
Secretary

Annie Chow  
Assistant Secretary

Tom C. Hui  
Director

Dear Ms. Calvillo:

**RE: Ord. 51-16/ File No. 150732**

**Ordinance amending Chapter 11D of the Building Code to extend the time for 1) 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, 2) the Department of Building Inspection's report to the Board of Supervisors, and 3) 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.**

The Building Inspection Commission met and held a public hearing on May 17, 2017 regarding the proposed Code amendments to the San Francisco Building Code referenced above. The Commissioners voted unanimously to support this proposed amendment.

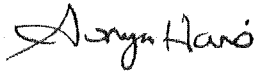
The Commissioners voted as follows:

|                     |     |                       |     |
|---------------------|-----|-----------------------|-----|
| President McCarthy  | Yes | Vice-President Walker | Yes |
| Commissioner Clinch | Yes | Commissioner Konstin  | Yes |
| Commissioner Lee    | Yes | Commissioner Warshell | Yes |

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

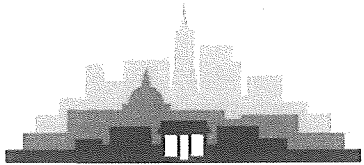


Sincerely,

A handwritten signature in black ink, appearing to read "Sonya Harris". The signature is fluid and cursive, with the first name "Sonya" being more prominent than the last name "Harris".

Sonya Harris  
Commission Secretary

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



SAN FRANCISCO

**OFFICE OF SMALL BUSINESS**

CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

OFFICE OF SMALL BUSINESS  
REGINA DICK-ENDRIZZI, DIRECTOR

August 23, 2017

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: BOS File No. 170837 [Building Code - Mandatory Disability Access Improvements - Extension of Time For Compliance and Report to the Board of Supervisors]

Small Business Commission Recommendation to the Board of Supervisors: **Approval**

Dear Ms. Calvillo,

On August 14, 2017, the Small Business Commission voted (6-0, 1 absent) to recommend that the Board of Supervisors approve BOS File No. 170837.

The Commission supports the additional time which is needed to develop the necessary set of design guidelines provided by the Department of Public Works and the Historic Preservation division of the Planning Department. It has been estimated that approximately 25,000 property are covered by the ordinance. It is important that the City provide sufficient information so property owners may follow the design guidelines to make their entryways accessible. This is critical for the property owners but also for DBI, DPW and HPC. Without adequate design guidelines tremendous bottlenecks could occur within each agency, due to the sheer volume of affected properties.

The Commission respectfully requests that you approve this legislation.

Thank you for considering the Small Business Commission's comments. Please feel free to contact me should you have any questions.

Sincerely,

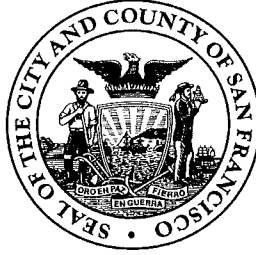
Regina Dick-Endrizzi  
Director, Office of Small Business

cc: Katy Tang, Board of Supervisors  
Ray Law, Office of Supervisor Katy Tang  
Mawuli Tugbenyoh, Mayor's Office  
Francis Tsang, Mayor's Office  
Tom Hui, Department of Building Inspection

OFFICE OF SMALL BUSINESS • SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110, SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6408

Mohammed Nuru, Department of Public Works  
John Rahaim, Planning Department  
Lisa Pagan, Office of Economic and Workforce Development  
Erica Major, Land Use & Transportation Committee

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: Nicole Bohn, Director, Mayor's Office on Disability  
Tom Hui, Director, Department of Building Inspection

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: July 21, 2017

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on July 18, 2017:

**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.**

If you have 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 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

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

Print Form

RECEIVED  
7/18/2017 @ 5:52pm  
AS

# 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. [ ]
- 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):**

Katy Tang

**Subject:**

Building Code - Mandatory Disability Access Improvements; Extension of Time for Compliance and Report to the Board of Supervisors

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

[Empty box for text listing]

Signature of Sponsoring Supervisor: *Katy Tang*

For Clerk's Use Only: