

1 [Requiring baby diaper-changing accommodations in new Public-Serving and Substantially
2 Renovated Public-Serving Establishments.]

3 **Ordinance amending the Planning Code by adding Section 166 to require that new**
4 **public-serving establishments and substantially renovated public-serving**
5 **establishments install baby diaper-changing accommodations; and making**
6 **environmental findings and findings of consistency with the priority policies of**
7 **Planning Code Section 101.1 and the General Plan.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strikethrough italics Times New Roman*~~.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
14 hereby finds and determines that:

15 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
16 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
17 Planning Commission Resolution No. 17064 recommending approval of this Planning Code
18 Amendment, and incorporates such reasons by this reference thereto. A copy of said
19 resolution is on file with the Clerk of the Board of Supervisors in File No. 050829.

20 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
21 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
22 with the General Plan and hereby adopts the findings of the Planning Commission, as set
23 forth in Planning Commission Resolution No. 17064, and incorporates said findings by this
24 reference thereto.

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1 Section 2. The San Francisco Planning Code is hereby amended by adding
2 Section 166 to read as follows:

3 **SEC. 166. BABY DIAPER-CHANGING ACCOMMODATIONS REQUIRED.**

4 **(a) Definitions.**

5 **(1) "Public-Serving Establishment."** *A Public-Serving Establishment shall be defined as:*

6 *(i) a new hospital, medical center, clinic providing outpatient care in medical, psychiatric or*
7 *other healing areas, or a social service or philanthropic facility providing assistance of a charitable or*
8 *public service nature as defined in Section 217 of the Planning Code, or a new hospital or medical*
9 *center as defined in Sections 790.44 and 890.44 of the Planning Code, for which a building permit is*
10 *issued on or at least six months after the effective date of this Section, unless the building will not be*
11 *accessible to the public;*

12 *(ii) a new retail sales and personal services use or assembly and entertainment use as defined*
13 *in Sections 218 and 221 of the Planning Code, that is 5,000 square feet or more in size for which a*
14 *building permit is issued on or at least six months after the effective date of this Section, unless the*
15 *building will not be accessible to the public and;*

16 *(iii) a new amusement game arcade, eating and drinking use, institution, other large,*
17 *institution, other small, movie theater, sales and service, other retail, or sales and service retail use, as*
18 *defined in Articles 7 and 8 of the Planning Code, that is 5,000 square feet or more in size for which a*
19 *building permit is issued on or at least six months after the effective date of this Section, unless the*
20 *building will not be accessible to the public and;*

21 *(iv) a new library operated by the San Francisco Public Library, or a new, publicly accessible,*
22 *facility operated by the Department of Recreation and Parks within the City for which final City*
23 *approvals have been given on or at least six months after the effective date of this Section.*

24 **(2) "Substantially Renovated."** *Any construction or renovation project which has an*
25 *estimated cost of at least \$50,000.00 for which a building permit is issued, or, in the case of City-owned*

1 structures, for which final City approval is given, to any of the uses listed in Subsection (a)(1) above,
2 which were existing as of the effective date of this Section, or which were completed on or at least six
3 months after the effective date of this Section.

4 (3) "Baby Diaper-Changing Accommodation." A safe, sanitary and convenient baby
5 diaper-changing station, deck, table or similar amenity which is installed or placed in a separate,
6 designated location in a Public-Serving Establishment subject to the provisions of this Section. Such
7 accommodations may include, but are not limited to, stations, decks and tables in women's and men's
8 restrooms or unisex/family restrooms.

9 (b) **Baby Diaper-Changing Accommodations Required.** Every Public-Serving
10 Establishment or Substantially Renovated Public-Serving Establishment, as defined in this Section,
11 shall be required to provide and maintain Baby Diaper-Changing Accommodations in accordance with
12 the requirements of this Section.

13 (c) **Installation of Baby Diaper-Changing Accommodations.** Each New Public-Serving
14 Establishment or Substantially Renovated Public-Serving Establishment shall be required to install and
15 maintain, at each floor level containing restrooms accessible to the public, at least one Baby Diaper-
16 Changing Accommodation that is accessible to women and one that is accessible to men, or a single
17 Baby Diaper-Changing Accommodation that is accessible to both. Each Establishment shall provide
18 signage at or near its entrance indicating the location of the Baby Diaper-Changing Accommodations.
19 Any New Public-Serving Establishment or Substantially Renovated Public-Serving Establishment
20 encompassing multiple establishments and having a central directory shall indicate on the directory the
21 location of all such accommodations.

22 (d) **Laws Relating to Access For the Disabled.** The installation of all Baby Diaper-
23 Changing Accommodations shall comply with local, state, or federal laws relating to access to the
24 disabled. In the event that it is determined by Zoning Administrator, in consultation with the Director
25 of the Department of Building Inspection or his or her designee, that a Substantially Renovated Public-

1 Serving Establishment cannot install the Baby Diaper-Changing Accommodations required by this
2 Section and comply with local, state, or federal laws relating to access to the disabled, the Zoning
3 Administrator may waive the requirements of this Section for that Substantially Renovated Public-
4 Serving Establishment.

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6 Section 3. The Planning Department concluded environmental review of this ordinance
7 pursuant to the California Environmental Quality Act. Documentation of that review is on file
8 with the Clerk of the Board of Supervisors in File No. 050829.

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10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

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By: _____
Sarah Ellen Owsowitz
Deputy City Attorney

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