

File No. 161353

Committee Item No. 2

Board Item No. 32

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services

Date February 22, 2017

Board of Supervisors Meeting

Date 3/7/17

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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OTHER

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Completed by: Erica Major

Date February 17, 2017

Completed by: JM

Date 2/24/17

1 [Various Codes - Baby Diaper-Changing Accommodations]

2
3 Ordinance replacing a provision of the Planning Code with a new provision of the
4 Administrative Code requiring all City buildings that are ~~accessible to~~ available for use by
5 the public to install and maintain at least one baby diaper-changing accommodation
6 that is ~~accessible to~~ available for use by women and one that is ~~accessible to~~ available for
7 use by men, or a single diaper-changing accommodation that is ~~accessible to~~ available for
8 use by all genders; amending the Police Code to require businesses that make a baby
9 diaper-changing accommodation available in a restroom ~~accessible to~~ available for use by
10 women to also install and maintain a baby diaper-changing accommodation in a
11 restroom ~~accessible to~~ available for use by men or ~~accessible to~~ available for use by all
12 genders; and amending the Building Code to require that new public-serving
13 establishments, and ~~substantially renovated~~ public-serving establishments with
14 substantially renovated toilet rooms, install baby diaper-changing accommodations;
15 making findings, including environmental findings, findings of public necessity,
16 convenience, and welfare under Planning Code, Section 302, and findings under the
17 California Health and Safety Code regarding building standards; and directing the Clerk
18 to forward this Ordinance to the California Building Standards Commission upon final
19 passage.

20 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
21 **Additions to Codes** are in single-underline italics Times New Roman font.
22 **Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.
23 **Board amendment additions** are in double-underlined Arial font.
24 **Board amendment deletions** are in ~~strikethrough Arial font~~.
25 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

1
2 Section 1. Environmental and Planning Code Section 302 Findings.

3 (a) The Planning Department has determined that the actions contemplated in this
4 ordinance comply with the California Environmental Quality Act (California Public Resources
5 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
6 Supervisors in File No. 161353 and is incorporated herein by reference. The Board affirms
7 this determination.

8 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
9 Planning Code amendment will serve the public necessity, convenience, and welfare for the
10 reasons set forth in Planning Commission Resolution No. 19855, and the Board incorporates
11 such reasons herein by reference.

12
13 Section 2. Pursuant to Charter Section D3.750-5, the Building Inspection Commission
14 considered the Building Code amendment contained in Section 8 of this ordinance at a duly
15 noticed public hearing held on February 15, 2017.

16
17 Section 3. Findings under the California Health and Safety Code.

18 The Board of Supervisors hereby finds that this ordinance does not modify a State
19 "building standard," as that term is defined in Section 18909 of the California Health and
20 Safety Code. Therefore, the finding of local climactic, geological, or topographical conditions
21 required by Sections 18941.5 and 17958.7 is not required.

22
23 Section 4. Name, Background, and Findings.

24 (a) This ordinance shall be known as the San Francisco Bathrooms Accessible for
5 Babies in Every Situation (BABIES) Ordinance.

1 (b) San Francisco prides itself on being a family-friendly city and a leader on issues of
2 gender equality. This ordinance continues in that tradition.

3 (c) On October 7, 2016, President Barack Obama signed into law the Bathrooms
4 Accessible for Babies in Every Situation (BABIES) Act (H.R. 5147). The law requires federal
5 buildings to provide diaper-changing facilities in both male and female restrooms. San
6 Francisco must build on the momentum that the federal government has established, to
7 assure adequate diaper-changing facilities in both our public and private buildings.

8 (d) Diaper-changing facilities are essential in childcare. According to a national study,
9 77% of parents with children under 6 years of age have used diaper-changing facilities;
10 among them, 34% have used diaper-changing stations six or more times per month.

11 (e) Making diaper-changing facilities accessible to men is an essential step in the
12 journey toward gender equality in child care. Currently, fathers must change their babies'
13 diapers on a variety of unsanitary surfaces in public and private buildings, such as sinks,
14 restroom floors, and counters. Not only does this pose health and safety risks to the baby, it
15 also poses health risks to all other bathroom patrons. Making diaper-changing facilities
16 equally accessible to men will help to secure and protect the health and safety of infants, and
17 our population as a whole, while also encouraging a family-friendly environment in both public
18 and private facilities.

19 (f) A growing number of fathers are choosing to stay home with their children, either on
20 a long-term basis or for shorter periods of time. In addition to enhancing public health and
21 safety, this ordinance, by making diaper-changing facilities equally accessible to men, will
22 assist in breaking down stereotypes about gender roles regarding responsibility for childcare,
23 and will support Gay, Bisexual and Transgender families.

24
25 Section 5. The Planning Code is hereby amended by deleting Section 168, as follows:

1 **~~SEC. 168. BABY DIAPER CHANGING ACCOMMODATIONS REQUIRED.~~**

2 ~~(a) Definitions.~~

3 ~~—(1) "Public-Serving Establishment." A Public-Serving Establishment shall be defined as:~~

4 ~~—(A) a new Hospital, Health Services Use, or a Social Service or Philanthropic Facility as~~
5 ~~defined in Section 102 of the Planning Code, or a new hospital or medical center as defined in Sections~~
6 ~~790.44 and 890.44 of the Planning Code, for which a building permit is issued on or at least six months~~
7 ~~after the effective date of this Section, unless the building will not be accessible to the public;~~

8 ~~—(B) a new Retail Sales and Services use or Retail Entertainment and Recreation use as~~
9 ~~defined in Section 102 of the Planning Code that is 5,000 square feet or more in size for which a~~
10 ~~building permit is issued on or at least six months after the effective date of this Section, unless the~~
11 ~~building will not be accessible to the public and;~~

12 ~~—(C) a new Amusement Game Arcade, Eating and Drinking use, Institution, Other Large,~~
13 ~~Institution, Other Small, Movie Theater, Sales and Service, Other Retail, or Sales and Service Retail~~
14 ~~use, as defined in Articles 7 and 8 of the Planning Code, that is 5,000 square feet or more in size for~~
15 ~~which a building permit is issued on or at least six months after the effective date of this Section, unless~~
16 ~~the building will not be accessible to the public; and~~

17 ~~—(D) a new library operated by the San Francisco Public Library, or a new, publicly~~
18 ~~accessible, facility operated by the Department of Recreation and Parks within the City for which final~~
19 ~~City approvals have been given on or at least six months after the effective date of this Section.~~

20 ~~—(2) "Substantially Renovated." Any construction or renovation project that has an~~
21 ~~estimated cost of at least \$50,000.00 for which a building permit is issued or, in the case of City-owned~~
22 ~~structures, for which final City approval is given, to any of the uses listed in Subsection (a)(1) above,~~
23 ~~which were existing as of the effective date of this Section, or which were completed on or at least six~~
24 ~~months after the effective date of this Section.~~

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

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

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

19 ~~(d) Laws Relating to Access For the Disabled. The installation of all Baby Diaper Changing~~
20 ~~Accommodations shall comply with local, State, or Federal laws relating to access to the disabled. In~~
21 ~~the event that it is determined by Zoning Administrator, in consultation with the Director of the~~
22 ~~Department of Building Inspection or his or her designee, that a Substantially Renovated Public-~~
23 ~~Serving Establishment cannot install the Baby Diaper Changing Accommodations required by this~~
24 ~~Section and comply with local, State, or Federal laws relating to access to the disabled, the Zoning~~
25

1 ~~Administrator may waive the requirements of this Section for that Substantially Renovated Public-~~
2 ~~Serving Establishment.~~

3
4 Section 6. The Administrative Code is hereby amended by adding Section 4.1-4, to
5 read as follows:

6 **SEC. 4.1-4. BABY DIAPER-CHANGING ACCOMMODATIONS IN BUILDINGS ON**
7 **CITY-OWNED OR LEASED CITY-OCCUPIED LAND.**

8 (a) This Section 4.1-4 shall apply to all buildings on land owned by the City and County of San
9 Francisco ("City") and all buildings that are leased to or by the City, and available for use by the
10 public (collectively, "public buildings"), whether such buildings are new or existing. For existing
11 public buildings, the City department or agency with jurisdiction over the building shall have six~~12~~
12 months from the effective date of this Section 4.1-4 to comply with the requirements-; provided
13 nothing in this Section 4.1-4 shall be interpreted or applied so as to violate or impair an
14 existing contract or lease.

15 (b) Unless not allowed by an existing lease, each public building shall be required
16 to Each City department or agency with jurisdiction over a public building shall install and
17 maintain, at each floor level in the public building that includes containing restrooms accessible
18 to available for use by the public, at least one Baby Diaper-Changing Accommodation that is
19 accessible to available for use by women and one that is accessible to available for use by men, or
20 a single Diaper-Changing Accommodation that is accessible to available for use by all genders. For
21 purposes of this Section 4.1-4, a Baby Diaper-Changing Accommodation means a safe, sanitary, and
22 convenient baby diaper-changing station, ~~desk table,~~ or similar amenity. Such accommodations may
23 include, but are not limited to, work surfaces, stations, decks, and tables in women's and men's
24 restrooms or all-gender restrooms. Each public building shall provide signage at or near its entrance
25 indicating the location of the Baby Diaper-Changing Accommodations.

1 (c) The installation of all Baby Diaper-Changing Accommodations shall comply with local City,
2 State, and Federal laws relating to access to persons with disabilities. If the Director of the
3 Department of Building Inspection or his or her designee determines that a public building
4 subject to this Section 4.1-4 cannot install the Baby Diaper-Changing Accommodations
5 required by this Section and comply with local, State, or Federal laws relating to access to
6 persons with disabilities, including Section 11B-226.4 of the California Building Code, or that
7 installation of the Baby Diaper-Changing Accommodation is otherwise infeasible due to spatial
8 or structural limitations, the Director of the Department of Building Inspection, or his or her
9 designee, may waive the requirements of this Section for that public building.

10 (d) Waivers.

11 (1) For public buildings that are leased to and occupied by the City, the
12 requirements of this Section 4.1-4 may be waived if the Director of the Department of Building
13 Inspection or his or her designee, in consultation with the Mayor's Office on Disability,
14 determines that the building cannot install the Baby Diaper-Changing Accommodations
15 required by this Section and comply with City, State, or Federal laws relating to access to
16 persons with disabilities, including Section 11B-226.4 of the California Building Code, or that
17 installation of the Baby Diaper-Changing Accommodation is otherwise infeasible due to spatial
18 or structural limitations.

19 (2) For public buildings that are under the jurisdiction and control of a City
20 department, the requirements of this Section 4.1-4 may be waived if the department head, in
21 consultation with the Director of the Department of Building Inspection and the Mayor's Office
22 on Disability, determines that the public building cannot install the Baby Diaper-Changing
23 Accommodations required by this Section and comply with City, State, or Federal laws
24 relating to access to persons with disabilities, including Section 11B-226.4 of the California
25

1 Building Code, or that installation of the Baby Diaper-Changing Accommodation is otherwise
2 infeasible due to spatial or structural limitations.

3 (3) For all other public buildings, the requirements of this Section 4.1-4 may be
4 waived if the Director of Administrative Services, in consultation with the Director of the
5 Department of Building Inspection and the Mayor's Office on Disability, determines that the
6 public building cannot install the Baby Diaper-Changing Accommodations required by this
7 Section and comply with City, State, or Federal laws relating to access to persons with
8 disabilities, including Section 11B-226.4 of the California Building Code, or that installation of
9 the Baby Diaper-Changing Accommodation is otherwise infeasible due to spatial or structural
10 limitations.

11
12 Section 7. The Police Code is hereby amended by adding Section 3305.4 and revising
13 Section 3307, to read as follows:

14 **SEC. 3305.4. BABY DIAPER-CHANGING ACCOMMODATIONS.**

15 (a) Definitions. For purposes of this Section 3305.4, the following definitions shall apply:

16 (1) "Business establishment" shall have the same meaning as in Section 3813(b) of this
17 Code.

18 (2) "Public accommodation" shall have the same meaning as in Title III of the
19 Americans with Disabilities Act of 1990, 42 U.S.C. Section 12181(7), and the federal regulations
20 adopted thereunder, as either are amended from time to time.

21 (3) "Baby Diaper-Changing Accommodation" shall mean a safe, sanitary, and
22 convenient baby diaper-changing station, deck table, or similar amenity that is installed or placed
23 in a separate, designated location in a Business Establishment or Public Accommodation
24 subject to the provisions of this Section. Such accommodations may include, but are not limited to,
25 work surfaces, stations, decks, and tables in women's and men's restrooms or all-gender restrooms.

1 **(b) Requirement.** *All Business Establishments and Public Accommodations that maintain a*
2 *Baby Diaper-Changing Accommodation in a restroom ~~accessible to~~available for use by women*
3 *shall also install and maintain a Baby Diaper-Changing Accommodations in a restroom accessible*
4 *~~to~~available for use by men or in a restroom accessible ~~to~~available for use by all genders. The*
5 *installation of a Baby Diaper-Changing Accommodation shall comply with City, State, and*
6 *Federal laws relating to access to persons with disabilities.*

7 **(c)** *The Director of the Department of Building Inspection, or his or her designee, shall waive*
8 *compliance with ~~this subsection (b)~~ upon determining that a Business Establishment or Public*
9 *Accommodation subject to this Section 3305.4 cannot install the Baby Diaper-Changing*
10 *Accommodations required by this Section and comply with ~~local~~City, State, or Federal laws relating to*
11 *access to persons with disabilities, including Section 11B-226.4 of the California Building Code, or*
12 *that installation of the Baby Diaper-Changing Accommodation is otherwise infeasible due to spatial or*
13 *structural limitations.*

14 **(e)(d) Time for Compliance.**

15 **(1) Existing Businesses and Public Accommodations.** *Business Establishments and Public*
16 *Accommodations that are subject to this Section 3305.4 and in existence as of the effective date of this*
17 *Section shall have ~~six~~12 months from the effective date of this Section to come into compliance by*
18 *installing and maintaining a Baby Diaper-Changing Accommodation in a restroom accessible*
19 *~~to~~available for use by men or ~~accessible to~~available for use by all genders, if one is not already*
20 *installed and maintained.*

21 **(2) New Businesses and Public Accommodations.** *New Business Establishments and*
22 *Public Accommodations that choose to install and maintain a Baby Diaper-Changing Accommodation*
23 *in a restroom ~~accessible to~~available for use by women shall also install and maintain a Baby*
24 *Diaper-Changing Accommodation in a restroom ~~accessible to~~available for use by men or*
25 *~~accessible to~~available for use by all genders immediately upon opening to the public.*

1 (de) Contractual obligations. Nothing in this Section 3305.4 is intended to interfere with any
2 contractual obligations between the owner of a building in which a Business Establishment or Place of
3 Public Accommodation is located, and any lessee of space within the building.
4

5 **SEC. 3307. ENFORCEMENT.**

6 (a) Human Rights Commission. Any person who believes that he or she has been
7 discriminated against in violation of Sections 3303, 3305, 3305.2, ~~or~~ 3305.3, or 3305.4 of this
8 Article 33 may file a complaint with the Human Rights Commission, which shall serve as a
9 request to have the Commission investigate and mediate the complaint pursuant to Section
10 12A.5 of the Administrative Code.

11 * * * *

12 (f) Responsibilities of the Department of Building Inspection. Upon complaint from a
13 member of the public or employee of a business establishment or place of public
14 accommodation, or receipt of a request from the Human Rights Commission, the Department
15 of Building Inspection shall inspect the business establishment or place of public
16 accommodation, if subject to Section 3305.3 or 3305.4, and determine if the business
17 establishment or place of public accommodation is in compliance with the requirements. In
18 addition, during the course of any regularly-scheduled interior inspection of a business
19 establishment or place of public accommodation subject to Section 3305.3 or 3305.4, the
20 Department shall verify compliance with the requirements. Any business establishment or
21 place of public accommodation found not to be in compliance with the requirements shall be
22 deemed to be in violation of the Building Code and the Building Official is authorized to abate
23 the violation in accordance with Section 102A of the Building Code.
24

1 Section 8. The Building Code is hereby amended by adding new Section 1210.4, to
2 read as follows:

3 1210.4. Baby diaper-changing accommodations. At least one Baby Diaper-Changing
4 Accommodation that is open and available for use by women and one that is open and available for use
5 by men, or a single Baby Diaper-Changing Accommodation that is open and available for use by
6 both genders, shall be installed and maintained in a newly constructed or substantially renovated
7 Public Service Establishment at each floor level containing a toilet room accessible to available for
8 use by the public.

9 Exceptions:

10 1. A Baby Diaper-Changing Accommodation shall not be required if the Building Official, or
11 his or her designee, determines that it cannot be installed and comply with local City, State, or Federal
12 laws relating to access to persons with disabilities, including Section 11B-226.4 of this Code.

13 2. A Baby Diaper-Changing Accommodation shall not be required if the Building Official, or
14 his or her designee, determines that the installation is infeasible due to spatial or structural limitations.

15 1210.4.1 Definitions. For purposes of this Section 1210.4, the following definitions shall apply.

16 "Baby Diaper-Changing Accommodation" shall mean a safe, sanitary, and convenient
17 baby diaper-changing station, ~~deck table, or similar amenity~~ that is installed or placed in a
18 separate, designated location in a toilet room accessible to the public. Such accommodations may
19 include, but are not limited to, work surfaces, stations, decks, and tables in women's and men's toilet
20 rooms or all-gender toilet rooms.

21 "Public Service Establishment" shall mean a facility as specified in Subsections (2), (3),
22 (4), (5), (6), (7), (8), (9), (10), (11), and (12), and (13) of the definition of Place of Public
23 Accommodation in Chapter 2 of this Code, but shall not include any such facility where entry by
24 minors is prohibited by law.

1 "Substantially Renovated" shall be limited to renovation of a toilet room, and shall
2 mean any addition, alteration, or repair project to toilet rooms, performed under a building permit
3 with a cost of construction of \$50,000 or more for renovation of one or more toilet rooms.

4 1210.4.2. Signage. Each Public Service Establishment subject to Section 1210.4 shall
5 provide signage at or near its entrance stating "Baby Diaper-Changing Accommodation Inside." This
6 signage shall be posted in compliance with Section 11B-216.2 of this Code. In a building
7 encompassing multiple establishments and having a central directory, the location of all such
8 accommodations shall be indicated on the directory.

9 1210.4.3. Nothing in this Section 1210.4 shall be construed as requiring or
10 authorizing (1) a reduction in the number of toilet facilities that are required by Title 24 of the
11 California Code of Regulations or (2) a reduction in the number of toilet facilities accessible to
12 persons with disabilities that are otherwise required under either Title 24 of the California
13 Code of Regulations or the Federal Americans with Disabilities Act.

14
15 Section 9. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24 additions, and Board amendment deletions in accordance with the "Note" that appears under
5 the official title of the ordinance.

1
2 Section 11. Undertaking for the General Welfare. In enacting and implementing this
3 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
4 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
5 is liable in money damages to any person who claims that such breach proximately caused
6 injury.

7
8 Section 12. No Conflict with Federal or State Law. Nothing in this ordinance shall be
9 interpreted or applied so as to create any requirement, power, or duty in conflict with any
10 federal or state law.

11
12 Section 13. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
13 directed to forward a copy of this ordinance to the California Building Standards Commission
14 upon final passage.

15
16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By:


Anne Pearson
Deputy City Attorney

20
21 n:\egana\as2016\1700221\01172492.docx

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/22/2017)

[Various Codes - Baby Diaper-Changing Accommodations]

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are available for use by the public to install and maintain at least one baby diaper-changing accommodation that is available for use by women and one that is available for use by men, or a single diaper-changing accommodation that is available for use by all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom available for use by women to also install and maintain a baby diaper-changing accommodation in a restroom available for use by men or available for use by all genders; and amending the Building Code to require that new public-serving establishments, and public-serving establishments with substantially renovated toilet rooms, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance to the California Building Standards Commission upon final passage.

Existing Law

Currently, the installation and maintenance of baby diaper-changing accommodations is regulated by Section 168 of the Planning Code, which requires that all new and substantially renovated "public serving establishments" provide and maintain at least one baby diaper-changing station in a restroom accessible to women, and one that is accessible to men, or a single diaper-changing station in a restroom that is accessible to both.

Section 168 of the Planning Code defines "public serving establishments" to include a range of publicly accessible facilities, including:

- hospitals, health facilities and social services offices;
- retail sales facilities that are at least 5,000 square feet in size;
- arcades, restaurants, movie theaters and other entertainment venues that are at least 5,000 square feet in size;
- San Francisco public libraries, and new, publicly accessible facilities operated by the Department of Recreation and Parks.

For purposes of Section 168, a “substantial renovation” is any construction or renovation project that has an estimated cost of at least \$50,000 for which a building permit is issued, or in the case of City-owned buildings, for which final City approval is given.

Amendments to Current Law

This revised legislative digest reflects amendments made at the Public Safety and Neighborhood Services Committee on February 22, 2017.

This ordinance is entitled the San Francisco Bathrooms Accessible for Babies in Every Situation (BABIES) Ordinance. It would delete section 168 of the Planning Code in its entirety, and would replace it with new provisions in the Administrative, Police, and Building Codes requiring the installation and maintenance of baby diaper-changing facilities in a broader range of facilities.

Specifically, the proposed legislation would add Section 4.1-4 to the Administrative Code, requiring all buildings owned or rented by the City to install and maintain, at each floor level containing publicly accessible restrooms, at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single baby diaper-changing station accessible to all genders. This requirement would be waived where the installation of a baby diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. For existing buildings, the City would have 12 months from the effective date of the ordinance to come into compliance.

The proposed legislation would add Section 3305.4 of the Police Code to require public accommodations that make baby diaper-changing accommodations available in women’s restrooms, to also install and maintain baby diaper-changing accommodations in men’s restrooms or in restrooms that are accessible to all genders. This requirement would be waived where the installation of a baby diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. This requirement also would not apply to businesses where entry by minors is prohibited by law. Existing businesses would have 12 months from the effective date of the ordinance to come into compliance.

Lastly, this ordinance would add Section 1210.4 to the Building Code to require new public service establishments, and existing public service establishments that make significant renovations or alterations to their restrooms, to install at least one baby diaper-changing accommodation in a restroom open and available to women, and one that is open and available to men, or in an all-gender restroom. This requirement would be waived where the installation of a baby diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. The new section of the Building Code would also require public service establishments to provide signage indicating the location of baby diaper-changing stations. For purposes of the

proposed Section 1210.4, a substantial renovation is defined as any addition, alteration or repair project made to a restroom and performed under a building permit with a construction cost of \$50,000 or more for renovation of the restroom.

Background Information

On October 7, 2016, President Barack Obama signed into law the Bathrooms Accessible for Babies in Every Situation (BABIES) Act (H.R. 5147). The law requires federal buildings to provide diaper-changing facilities in both male and female restrooms. This ordinance would build on the momentum that the federal government has established, to assure adequate diaper-changing facilities in San Francisco's public and private buildings.

Making diaper-changing facilities accessible to men promotes gender equality in child care. Currently, fathers must change their babies' diapers on a variety of unsanitary surfaces in public and private buildings, such as sinks, restroom floors, and counters. Not only does this pose health and safety risks to the baby, it also poses health risks to all other bathroom patrons. Making diaper-changing facilities equally accessible to men will help to secure and protect the health and safety of infants, and our population as a whole, while also encouraging a family-friendly environment in both public and private facilities.

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SAN FRANCISCO PLANNING DEPARTMENT

February 17, 2017

Ms. Angela Calvillo, Clerk
Honorable Supervisor Tang
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2017-000410PCA:
"Baby Diaper-Changing Accommodations"
Board File No. 161353
Planning Commission Recommendation: Approval**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Calvillo and Supervisor Tang,

On February 16, 2017 the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance, sponsored by Supervisor Tang, that would replace a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single baby diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; and amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations. At the hearing the Planning Commission recommended **approval**.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

Transmittal Materials

**CASE NO. 2017-000410PCA
Baby Diaper-Changing Accommodations**

cc:

Anne Pearson, Deputy City Attorney
Dyanna Quizon, Aide to Supervisor Tang
Andrea Ausberry, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19855 HEARING DATE FEBRUARY 16, 2017

Project Name: Baby Diaper-Changing Accommodations
Case Number: 2017-000410PCA [Board File No. 161353]
Initiated by: Supervisor Tang / Introduced December 13, 2016
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Fax:
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Planning
Information:
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD REPLACE A PROVISION OF THE PLANNING CODE WITH A NEW PROVISION OF THE ADMINISTRATIVE CODE REQUIRING ALL CITY BUILDINGS THAT ARE ACCESSIBLE TO THE PUBLIC TO INSTALL AND MAINTAIN AT LEAST ONE BABY DIAPER-CHANGING (HEREINAFTER DIAPER-CHANGING) ACCOMMODATION THAT IS ACCESSIBLE TO WOMEN AND ONE THAT IS ACCESSIBLE TO MEN, OR A SINGLE DIAPER-CHANGING ACCOMMODATION THAT IS ACCESSIBLE TO ALL GENDERS; AMENDING THE POLICE CODE TO REQUIRE BUSINESSES THAT MAKE A DIAPER-CHANGING ACCOMMODATION AVAILABLE IN A RESTROOM ACCESSIBLE TO WOMEN TO ALSO INSTALL AND MAINTAIN A DIAPER-CHANGING ACCOMMODATION IN A RESTROOM ACCESSIBLE TO MEN OR ACCESSIBLE TO ALL GENDERS; AND AMENDING THE BUILDING CODE TO REQUIRE THAT NEW PUBLIC-SERVING ESTABLISHMENTS, AND SUBSTANTIALLY RENOVATED PUBLIC-SERVING ESTABLISHMENTS, INSTALL DIAPER-CHANGING ACCOMMODATIONS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on December 13, 2016 Supervisors Tang introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 161353, which would Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing (hereinafter diaper-changing) accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a diaper-changing accommodation available in a restroom accessible to women to also install and maintain a diaper-changing accommodation in a restroom accessible to men or accessible to all genders; and amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install diaper-changing accommodations; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 16, 2017; and,

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission fully supports the intent of this legislation, which is to provide all genders with equal access to diaper-changing facilities for the reasons stated in Section 4 of the Ordinance.
2. The Commission fully supports the removal of the controls from the Planning Code for three main reasons. First, the law as currently adopted requires us to consult with the DBI on accessibility issues. Since there are many intricacies to the ADA, especially when it comes to bathrooms and accessibility, we always have to consult with DBI on diaper-changing facilities. The process would be more efficient if DBI reviewed for diaper changing facilities directly. Second, one of the triggers for this requirement is based on the cost of a permit, which could be a simple tenant improvement permit that Planning doesn't typically review. The Commission does not believe that it makes sense from a process stand point to route these types of permits to Planning to comply with just this one requirement. Finally, diaper-changing facilities are usually added after Planning's review and during the addendum phases when the interior plans have been more developed. Since the Planning Department doesn't always see the plans at this stage, it requires special routing back to Planning just to review for this one requirement.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMUNITY FACILITIES ELEMENT

OBJECTIVE 3

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

Policy 3.7

Program the centers to fill gaps in needed services, and provide adequate facilities for ill-housed existing services.

The proposed ordinance will ensure that public facilities provide diaper-changing facilities to all genders, gilling in a gap of needed services and facilities in the City.

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

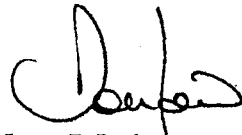
8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

5. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 16, 2017.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Koppel, Richards, Melgar, and Moore

NOES: None

ABSENT: Johnson

ADOPTED: February 16, 2017



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning and Various Other Codes Text Amendment

HEARING DATE: FEBRUARY 16, 2017
EXPIRATION DATE: MARCH 19, 2017

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Baby Diaper-Changing Accommodations
Case Number: 2017-000410PCA [Board File No. 161353]
Initiated by: Supervisor Tang / Introduced December 13, 2016
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Recommend Approval**

PLANNING AND VARIOUS CODE AMENDMENTS

Ordinance replacing a provision of the **Planning Code** with a new provision of the **Administrative Code** requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing (hereinafter diaper-changing) accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the **Police Code** to require businesses that make a diaper-changing accommodation available in a restroom accessible to women to also install and maintain a diaper-changing accommodation in a restroom accessible to men or accessible to all genders; and amending the **Building Code** to require that new public-serving establishments, and substantially renovated public-serving establishments, install diaper-changing accommodations.

The Way It Is Now:

1. Planning Code Section 168 requires that each New Public-Serving Establishment¹ or Substantially Renovated Public-Serving Establishment² to install and maintain, at each floor level containing

¹ A "Public Serving Establishment" is defined as: (a) a new Hospital, Health Services Use, or a Social Service or Philanthropic Facility as defined in Section 102 of the Planning Code, or a new hospital or medical center as defined in Sections 790.44 and 890.44 of the Planning Code, for which a building permit is issued on or at least six months after the effective date of this Section, unless the building will not be accessible to the public; (b) a new Retail Sales and Services use or Retail Entertainment and Recreation use as defined in Section 102 of the Planning Code that is 5,000 square feet or more in size for which a building permit is issued on or at least six months after the effective date of this Section, unless the building will not be accessible to the public and; (c) a new Amusement Game Arcade, Eating and Drinking use, Institution, Other Large, Institution, Other Small, Movie Theater, Sales and Service, Other Retail, or Sales and Service Retail use, as defined in Articles 7 and 8 of the Planning Code, that is 5,000 square feet or more in size for which a building permit is issued on or at least six months after the effective date of this Section, unless the building will not be accessible to the public; and (d) a new library operated by the San Francisco Public Library, or a new, publicly accessible, facility operated by the Department of Recreation and Parks within the City for which final City approvals have been given on or at least six months after the effective date of this Section.

² "Substantially Renovated" is defined as any construction or renovation project that has an estimated cost of at least \$50,000.00 for which a building permit is issued or, in the case of City-owned structures, for which final City approval is given, to any of the uses listed in Subsection (a)(1) above, which were existing as of the effective date of this Section, or which were completed on or at least six months after the effective date of this Section.

restrooms accessible to the public, at least one diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to both.

2. The Building Code is silent on diaper-changing facilities.
3. The Administrative Code is silent on diaper-changing facilities.
4. The Police Code is silent on diaper-changing facilities.

The Way It Would Be:

1. Section 168 would be delted from the Planning Code.
2. The Building Code would be amended to add Section 1210.4, which would require newly constructed or substantially renovated public service establishments (defined in Chapter 2, "Public Accommodation" of the Building Code) to install at least one diaper-changing accommodation in a restroom open and available to women, and one that is open and available to men, or in an all-gender restroom. This requirement would be waived where the installation of a diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. The new section of the Building Code would also require public service establishments to provide signage indicating the location of baby diaper-changing stations. For purposes of the proposed Section 1210.4, a substantial renovation is defined as any addition, alteration or repair project performed under a building permit with a construction cost of \$50,000 or more.
3. The Administrative Code would be amended to add Section 4.1-4, which would require all buildings owned or rented by the City to install and maintain, at each floor level containing publicly accessible restrooms, at least one diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single baby diaper changing station accessible to all genders. This requirement would be waived where the installation of a diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. For existing buildings, the City would have six³ months from the effective date of the ordinance to come into compliance.
4. The Police Code could be amended to add Section 3305.4, which would require public accommodations that make diaper-changing accommodations available in women's restrooms, to also install and maintain diaper-changing accommodations in men's restrooms or in restrooms that are accessible to all genders. This requirement would be waived where the installation of a diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. Existing businesses would have six months from the effective date of the ordinance to come into compliance.

BACKGROUND

On October 7, 2016, President Barack Obama signed into law the Bathrooms Accessible for Babies in Every Situation (BABIES) Act (H.R. 5147). The law requires federal buildings to provide diaper-changing facilities in both male and female restrooms. This ordinance is intended by the sponsors to build on the

³ Please note that Supervisor Tang's office informed the Planning Department that they intend to modify the ordinance so that the compliance period in all instances is 12 months, rather than six months. This report reflects how the current ordinance is drafted.

momentum that the federal government established, to assure adequate diaper-changing facilities in both our public and private buildings.

ISSUES AND CONSIDERATIONS

Childcare and Diaper-Changing Stations

Diaper-changing facilities are essential in childcare. According to a national study, 77 percent of parents with children five years of age and under have used diaper-changing facilities; among them, 34 percent have used diaper-changing stations six or more times per month. A growing number of fathers are choosing to stay home with their children, either on a long-term basis or for shorter periods of time; however, the current lack of facilities available to men requires fathers to change their babies' diapers on a variety of unsanitary surfaces in public and private buildings, such as sinks, restroom floors, and counters. Not only does this pose health and safety risks to the baby, it also poses health risks to all other bathroom patrons. Making diaper-changing facilities equally accessible to men will help to secure and protect the health and safety of infants, and our population as a whole, while also encouraging a family-friendly environment in both public and private facilities.

Changes to the Building Code

The proposed changes to the Building Code would essentially place the existing controls in the Planning Code into the Building Code, but expand the control so that the apply to a much broader definition of Public Service Establishments. At the time this report was published, the Building Inspection Commission's (BIC) Code Advisory Committee (CAC) recommended unanimous approval to the BIC. The BIC is scheduled to review this ordinance and the CAC's recommendation the Wednesday before the Planning Commission hearing.

There are several reasons why it makes more sense to remove the diaper-changing requirements from the Planning Code and place it into the Building Code, including:

1. The Department of Building Inspection (DBI) is the agency that oversees the implementation of life and safety regulations (structural, electrical, plumbing, etc.) as well as ensuring compliance with the American's with Disabilities Act (ADA). To that end, DBI ensures that bathrooms are properly configured and meet disability access requirements. Under currently law, the Planning Department is required to implement the diaper-changing accommodation provision; however because we do not also review for ADA compliance we are required per the Planning Code, and common sense, to consult with the DBI on ADA access issues. The complexities of this law are such that Planning has to consult with DBI on almost every diaper-changing facility, putting Planning into a superfluous middle-man role.
2. One of the triggers for this requirement is based on the cost of construction, which could be a simple tenant improvement permit. While DBI reviews every building permit, the Planning Department doesn't typically review tenant improvement permits; therefore, a permit that otherwise would not have to come to Planning for review would have to be routed to us to ensure that the project complies with the diaper-changing accommodation requirement. This extra review needlessly slows down the permit review process not only for this project, but also for other projects that the Planning Department is reviewing.
3. For projects that Planning does review, such as new construction or changes in use, diaper-changing facilities are usually added after Planning's review and during the addendum phases

when the interior plans have been more developed. Since we don't always see the plans at this stage, it requires the permit to be routed back to Planning just to review for this one requirement, slowing down the review process for the project.

Changes to the Police Code

The changes in the Police Code would require any new or existing Business Establishment⁴ or Public Accommodation⁵ that maintains a diaper-changing accommodation in a restroom accessible to women to also install and maintain diaper-changing accommodations in a restroom accessible to men or in a restroom accessible to all genders. Currently, the Planning Code only requires a much narrower set of buildings that are considered new construction or projects that have \$50,000 or more worth of work being done to have diaper-changing facilities available to men and women. While this requirement is located within the Police Code, it would be enforced by the Human Rights Commission. Businesses would have six months to comply, and this requirement would be waived if there are accessibility issues. Further, the ordinance states that this provision is not intended to interfere with any contractual obligations between the owner of a building in which a Business Establishment or Place of Public Accommodation is located, and any lessee of space within the building.

Changes to the Administrative Code

Currently, the only City owned buildings that this requirement applies to are publically owned hospitals, libraries, or publically accessible facilities owned by the Recreation and Parks Department. The proposed changes to the Administration Code would make these requirements apply to all buildings on land owned by the City and County of San Francisco, and all buildings that are leased to or by the City whether such buildings are new or existing. For existing buildings, the City department or agency with jurisdiction over the building has six months from the effective date to comply with the requirements, and this requirement would be waived if there were any ADA accessibility issues.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The Department fully supports the intent of this legislation, which is to provide all genders with equal access to diaper-changing facilities for the reasons specified in this report. The Department also fully supports the removal of the controls from the Planning Code for three main reasons. First, the law as

⁴ Business Establishment is defined as "any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist of requirements under which a substantial portion of the residents of this City could qualify."

⁵ Public Accommodation is defined under the ADA as "Businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities, and doctors' offices."

currently adopted requires us to consult with the DBI on accessibility issues. Since there are many intricacies to the ADA, especially when it comes to bathrooms and accessibility, we always have to consult with DBI on diaper-changing facilities. The process would be more efficient if DBI reviewed for diaper changing facilities directly. Second, one of the triggers for this requirement is based on the cost of a permit, which could be a simple tenant improvement permit that Planning doesn't typically review. The Department does not believe that it makes sense from a process stand point to route these types of permits to Planning to comply with just this one requirement. Finally, diaper-changing facilities are usually added after Planning's review and during the addendum phases when the interior plans have been more developed. Since the Planning Department doesn't always see the plans at this stage, it requires special routing back to Planning just to review for this one requirement.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

IMPLEMENTATION

The Department determined that this ordinance will improve our current implementation procedures by removing a requirement from the Planning Code that is more suited to DBI's responsibilities and review.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

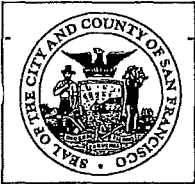
As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

The Small Business Commission and the Building Inspection Commission's Code Advisory Committee have both unanimously recommended approval of the proposed ordinance. The Building Inspection Commission will review this ordinance on February 15, 2017.

RECOMMENDATION:	Recommendation of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit C: Board of Supervisors File No. 161353



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection
1660 Mission Street, San Francisco, California 94103-2414

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

February 16, 2017

Edwin M. Lee
Mayor

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

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. 161353

Dear Ms. Calvillo:

RE: Ordinance (File No. 161353) replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is available for use by women and one that is available for use by men, or a single diaper-changing accommodation that is available for use by all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom available for use by women to also install and maintain a baby diaper-changing accommodation in a restroom available for use by men or available for use by all genders; and amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance to the California Building Standards Commission upon final passage.

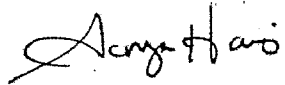
The Building Inspection Commission met and held a public hearing on February 15, 2017 regarding File No. 161353 on the proposed amendment to the San Francisco Planning, Administrative, Police, Building, and California Health and Safety Codes referenced above. The Commissioners voted unanimously to support this proposed amendment.

The Commissioners voted as follows:

President McCarthy	Yes	Vice-President Walker	Yes
Commissioner Clinch	Yes	Commissioner Gilman	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 that reads "Sonya Harris". The signature is written in a cursive style with a large initial "S".

Sonya Harris
Commission Secretary

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

December 19, 2016

File No. 161353

Lisa Gibson
Interim Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:

On December 13, 2016, Supervisor Tang introduced the following legislation:

File No. 161353

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance 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

Handwritten signature of Erica Major.

By: Erica Major, Assistant Clerk
Public Safety and Neighborhood Services Committee

Attachment

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

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

Jeanie Poling 12/19/16

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

January 11, 2017

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On December 13, 2016, Supervisor Tang introduced the following legislation:

File No. 161353

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance to the California Building Standards Commission upon final passage.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Public Safety and Neighborhood Services Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

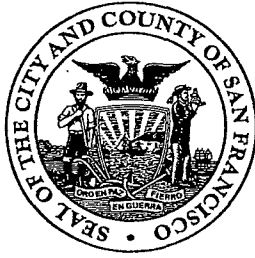
A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Committee Clerk
Public Safety and Neighborhood Services Committee

Referral from the Board of Supervisors
Public Safety and Neighborhood Services Committee
January 11, 2017
Page 2

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- AnMarie Rodgers, Senior Policy Manager
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Chief, Major Environmental Analysis
- Jeanie Poling, Environmental Planning
- Joy Navarrete, Environmental Planning

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

December 19, 2016

File No. 161353

Lisa Gibson
Interim Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:

On December 13, 2016, Supervisor Tang introduced the following legislation:

File No. 161353

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance 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 "Erica Major".

By: Erica Major, Assistant Clerk
Public Safety and Neighborhood Services Committee

Attachment

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

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
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MEMORANDUM

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

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: December 19, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following legislation, introduced by Supervisor Tang on December 13, 2016:

File No. 151353

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance 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 Public Safety and Neighborhood Services 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.

Referral from the Office of the Clerk of the Board
Public Safety and Neighborhood Services Committee
December 19, 2016
Page 2

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

BOARD of SUPERVISORS



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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: John Rahaim, Director, Planning Department
Sheryl Evans Davis, Director, Human Rights Commission
Tom Hui, Director, Department of Building Inspection
Toney D. Chaplin, Acting Chief of Police, Police Department
Barbara A. Garcia, Director, Department of Public Health

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: December 19, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Tang on December 13, 2016:

File No. 161353

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance 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.

Referral from the Office of the Clerk of the Board
Government Audit and Oversight Committee
December 19, 2016
Page 2

C:

Scott Sanchez, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Christine Fountain, Police Department
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health

RECEIVED
12/13/16
6:40 pm
A
Time stamp
or meeting date

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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

- 1. For reference to Committee.
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):

Tang, Yee

Subject:

Baby Diaper-Changing Accommodations

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor: _____

[Handwritten signature]

For Clerk's Use Only:

