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 <u>single-underline italics Times New Roman font</u> . Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> .			
15		Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font.			
16					
17	Be it ordained by the People of the City and County of San Francisco:				

[Building Code - Mandatory Disability Access Improvements - Extension of Time For

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Section 1. Background and General Findings.

- (a) Pursuant to Charter Section D3.750-5, the Building Inspection Commission considered this ordinance at a duly noticed public hearing held on May 17, 2017.
- (b) 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 2. Restatement of Local Conditions under California Health and Safety Code Section 17958.7. As stated in Ordinance No. 0051-16:
- (a) San Francisco is a 49-square mile peninsula with many hills and steep streets. The sidewalks are narrow, crowded, and often sloping; much of the building stock is old and often was constructed to the property line and/or adjacent to the fronting sidewalk with no or minimal setbacks.
- (b) The City also has numerous defined neighborhood commercial districts, which conveniently provide retail goods and services to neighborhood residents and workers as well as visitors to the area. A common feature of these older neighborhood shopping areas is small-scale development and a pattern of small buildings with a narrow frontage and a continuous facade line that abuts the fronting sidewalk. Another common feature is the commercial-residential mixed use of the buildings and a pattern of commercial space on the ground floor with residential flats on the upper floors.
- (c) This combination of sloping streets, narrow sidewalks, and an old stock of small, multi-use buildings with narrow facades that were constructed to the property lines and/or abutting sidewalk has resulted in a large number of San Francisco buildings providing services to the public that have steps to the front entrance and other elements that do not comply with federal and state disability access requirements.

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

Chapter 11D MANDATORY ACCESSIBILITY IMPROVEMENTS FOR BUILDINGS WITH A PLACE OF PUBLIC ACCOMMODATION

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

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

TABLE 1107D COMPLIANCE SCHEDULE ¹					
	Submit compliance Checklist and specify compliance Option	File application for required building permit(s)	Obtain required building permit(s) ²		
Category One Buildings	12 <u>24</u>	N/A	N/A		
Category Two Buildings	12 <u>24</u>	15 <u>27</u>	27 <u>39</u>		
Category Three Buildings	24 <u>36</u>	27 <u>39</u>	39 <u>51</u>		
Category Four Buildings	30 <u>42</u>	<i>33</i> <u>45</u>	45- <u>57</u>		

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of this Chapter 11D.

BOARD OF SUPERVISORS

disability access improvement program.

time of time is granted pursuant to Section 1108D

SECTION 1108D - EXTENSIONS OF TIME

¹Unless otherwise specified, time period is in months measured from the effective date

For good cause shown, the Building Official may grant one extension of time for

²Pursuant to Section 1106D.4, all mandated work must be completed within the time

periods specified in Section 106A.4.4 of this Code for Permit Expiration unless an extension of

up to six months from the compliance timelines in Table 1107D. For good cause shown, one

pursuant to Section 1110D; provided, however, that in no event shall the Commission extend

the time to complete the mandatory work required by this Chapter 11D beyond six seven years

SECTION 1113D - COORDINATION WITH OTHER CITY AGENCIES; REPORT TO THE

1113D.2. Report to the Board of Supervisors. Within *one two* years from the

appropriate City departments and agencies, the Department shall submit a report in writing to

submitted to the Board of Supervisors once a year thereafter until completion of this Chapter's

Section 4. Effective Date. This ordinance shall become effective 30 days after

enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

effective date of this Chapter 11D, and following consultation and coordination with other

the Board of Supervisors concerning the effectiveness of this Chapter and including

recommendations, if any, for amendments to this Chapter. A progress report shall be

or more additional extensions of time may be granted by the Access Appeals Commission

from the effective date of this Chapter 11D. The Commission's decision shall be final.

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Supervisor Tang **BOARD OF SUPERVISORS**

Page 4

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