

File No. 180323 Committee Item No. 1  
 Board Item No. 13

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date April 23, 2018

Board of Supervisors Meeting Date MAY 1, 2018  
 Cmte Board

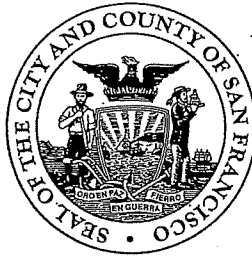
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
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**OTHER (Use back side if additional space is needed)**

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral BIC 041118</u>             |
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Completed by: Erica Major Date April 20, 2018  
 Completed by: Erica Major Date APRIL 24, 2018

BOARD of SUPERVISORS



City Hall  
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

### LAND USE AND TRANSPORTATION COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Katy Tang, Chair  
Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk

DATE: April 24, 2018

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, April 24, 2018

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, April 24, 2018. This item was acted upon at the Committee Meeting on Monday, April 23, 2018, at 1:30 p.m., by the votes indicated.

Item No. 39                      File No. 180323

Ordinance amending the Building Code to extend the times for existing buildings with a place of public accommodation either to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; to extend the time to submit the Department of Building Inspection's report on the disability access improvements program to the Board of Supervisors; authorizing the Building Official to waive the requirements for an inspection and submittal of information for those building owners who have complied with the requirements under other permits; requiring the building owner to provide 30 days' written notice to business tenants if a permit is required to remediate the entryway or sidewalk; eliminating the administrative fee to implement the disability access improvement program; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

**AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Vote: Supervisor Katy Tang - Aye  
Supervisor Jane Kim - Aye  
Supervisor Ahsha Safai - Aye

**RECOMMENDED AS AMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Katy Tang - Aye  
Supervisor Jane Kim - Aye  
Supervisor Ahsha Safai - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Jon Givner, Deputy City Attorney

1 [Building Code - Mandatory Disability Access Improvements for Places of Public  
2 Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee]

3 Ordinance amending the Building Code to extend the times for existing buildings with  
4 a place of public accommodation either to have all primary entries and paths of travel  
5 into the building accessible to persons with disabilities or to receive a City  
6 determination of equivalent facilitation, technical infeasibility, or unreasonable  
7 hardship; to extend the period for granting extensions from those deadlines; to extend  
8 the time to submit the Department of Building Inspection's report on the disability  
9 access improvements program to the Board of Supervisors; authorizing the Building  
10 Official to waive the requirements for an inspection and submittal of information for  
11 those building owners who have complied with the requirements under other permits;  
12 requiring the building owner to provide 30 days' written notice to business tenants if a  
13 permit is required to remediate the entryway or sidewalk; eliminating the administrative  
14 fee to implement the disability access improvement program; restating the findings of  
15 local conditions under the California Health and Safety Code; and directing the Clerk of  
16 the Board of Supervisors to forward this Ordinance to the California Building  
17 Standards Commission upon final passage.

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

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

25 Section 1. Background and General Findings.

1 (a) Pursuant to Charter Section D3.750-5, the Building Inspection Commission  
2 considered this ordinance at a duly noticed public hearing held on April 18, 2018.

3 (b) Chapter 11D of the Building Code was enacted on April 22, 2016, by Ordinance  
4 No. 51-16, which became effective on May 22, 2016. Chapter 11D establishes a timeline for  
5 the owner of an existing building with a place of public accommodation to have the building  
6 inspected for compliance with accessible entry and path of travel requirements and, if not in  
7 compliance, to either bring the building into compliance or obtain a finding from the City of  
8 equivalent facilitation, technical infeasibility, or unreasonable hardship. Extensions of time  
9 may be granted by the Director of the Department of Building Inspection and the Access  
10 Appeals Commission but not beyond six years from Chapter 11D's effective date. A report to  
11 the Board of Supervisors from the Department of Building Inspection was due in May 2017.

12 (c) Ordinance No. 200-17 extended for one year the original time for compliance  
13 with the accessible entry and path of travel requirements, the six-year limitation on extensions  
14 of time, and the May 2017 deadline for submission of the Department's report to the Board of  
15 Supervisors.

16 (d) This ordinance (i) extends each of those three deadlines as extended by  
17 Ordinance No. 200-17 for an additional six months; (ii) uses the definition of Place of Public  
18 Accommodation in Chapter 2 of the Building Code instead of the definition in the California  
19 Construction-Related Accessibility Compliance Act; (iii) supplements the list of factors in the  
20 Unreasonable Hardship definition to include, where necessary and for purposes of Chapter  
21 11D only, relevant factors listed in what is an Undue Hardship or is Readily Achievable in Title  
22 III of the Americans with Disabilities Act (42 USC Sections 12181 – 12189) and its  
23 implementing regulations; (iv) authorizes the Building Official to waive the requirements for an  
24 inspection and submission of the Checklist for building Owners who elected to comply with  
25 this ordinance's requirements under other permits prior to the compliance deadlines; and

1 (v) requires the Owner to provide 30 days' written notice to business tenants if a permit is  
2 required to remediate the entryway or sidewalk.

3  
4 Section 2. Restatement of Local Conditions under California Health and Safety Code  
5 Section 17958.7. As stated in Ordinance No. 51-16:

6 (a) San Francisco is an approximately 47-square mile peninsula with many hills and  
7 steep streets. The sidewalks are narrow, crowded, and often sloping; much of the building  
8 stock is old and often was constructed to the property line and/or adjacent to the fronting  
9 sidewalk with no or minimal setbacks.

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

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

22  
23 Section 3. The Building Code is hereby amended by revising Sections 1102D, 1103D,  
24 1104D, 1106D, 1107D, 1108D and 1113D, and deleting Section 1115D, to read as follows:  
25

1 **SECTION 1102D – DEFINITIONS**

2 For the purposes of this Chapter 11D, the following definitions shall apply:

3 \* \* \* \*

4 **“Place of Public Accommodation.”** As defined in Chapter 2 of the Building Code  
5 Section 55.52 of the California Construction Related Accessibility Compliance Act and 42  
6 USC Section 12181(7) of the Americans with Disabilities Act of 1990, as these Acts are  
7 amended from time to time.

8 \* \* \* \*

9 **“Unreasonable Hardship.”** As defined in Chapter 2 of the Building Code. If the  
10 Building Official, or the Access Appeals Commission in any unreasonable hardship  
11 determination made under Section 1105D, determines that any of the factors that the Building  
12 Code requires to be considered in evaluating an Unreasonable Hardship request are not  
13 applicable because the required scope of work is limited to the disability access improvements  
14 mandated by this Chapter 11D, the Building Official or Access Appeals Commission may  
15 supplement the criteria by considering any applicable factor for determining what is an Undue  
16 Hardship or is Readily Achievable in Title III of the Americans with Disabilities Act (42 USC  
17 Sections 12181 – 12189) and its implementing regulations.

18  
19 **SECTION 1103D – COMPLIANCE CATEGORIES**

20 The Department shall assign each building within the scope of this Chapter 11D to one  
21 of the following four categories. If a building does not clearly fall within one of these  
22 categories, the Building Official shall assign it to the category he or she determines is the  
23 most appropriate. The Building Official’s decision is appealable to the Building Inspection  
24 Commission pursuant to Section 77.3(b) of the Administrative Code.

1           **Category One:** The Primary Entry or Entries and the Accessible Entrance Route(s)  
2 comply with Code requirements. A building qualifies under Category One if any of the  
3 following descriptions applies:

4           (a) A building or portion thereof was constructed or altered under a permit  
5 application filed prior to July 1, 1992 and all Primary Entries and Accessible Entrance Routes  
6 are in compliance with the requirements of the 1998 California Building Code.

7           (b) A building or portion thereof was constructed or altered under a permit  
8 application filed on or after July 1, 1992, and prior to January 1, 2002, all Primary Entries and  
9 Accessible Entrance Routes are in compliance with the requirements of the 1998 California  
10 Building Code or a later Building Code in effect at the time of any permit application for a  
11 tenant improvement or other alteration, and the Department gave final approval of the  
12 accessible entry work under the construction permit or any alteration permits.

13           (c) A building is eligible to use the California Historical Building Code, a permit  
14 application was filed on or after January 1, 1995, all Primary Entries and Accessible Entrance  
15 Routes are in compliance with the California Historical Building Code in effect at the time of  
16 the permit application, and the Department gave final approval of the accessible entry work  
17 under the construction permit or any alteration permits.

18           (d) A building is within the scope of Chapter 4D of the Existing Building Code, which  
19 mandates earthquake retrofit of certain existing Wood-Frame Buildings, and the Owner  
20 elected pursuant to Section 1107D to comply with the requirements of this Chapter prior to the  
21 compliance deadlines in Table 1107D.

22           (e) A building or portion thereof was altered, or is proposed to be altered, under a  
23 permit application filed on or after the effective date of this Chapter 11D and the Owner  
24 elected pursuant to Section 1107D to comply with the requirements of this Chapter prior to the  
25 compliance deadlines in Table 1107D.



1           \* \* \* \*

2   **SECTION 1104D – INSPECTION AND SUBMISSION OF PRIMARY ENTRY COMPLIANCE**  
3   **CHECKLIST**

4   **1104D.1. Category One Buildings.** The Owner of a building classified in Section 1103D as  
5   Category One shall obtain an inspection of the elements on the Department’s Category One  
6   Primary Entry Compliance Checklist by an Inspector. On or before the time for compliance  
7   specified in Section 1107D, the Owner shall submit to the Department’s Disability Access  
8   Compliance Unit a copy of the Checklist completed and signed by the person who performed  
9   the inspection and including his or her business contact information and a professional stamp,  
10   CASp number, or California State License Bureau contractor’s license number, whichever is  
11   applicable.

12           If any elements on the Checklist are found by the Inspector or licensed general  
13   contractor to be not in compliance with the standards for accessible entries set forth in the  
14   applicable California Building Code or California Historical Building Code, or the Department  
15   did not give final approval of the accessible entry work, the noncomplying elements shall be  
16   clearly specified in detail, the building shall be reassigned by the Building Official to the  
17   appropriate Category, and the Owner shall comply with all requirements of that Category. The  
18   Building Official’s decision is appealable to the Building Inspection Commission pursuant to  
19   Section 77.3(b) of the Administrative Code.

20           Exception: For Category One subcategories (d) and (e); the Building Official may  
21   waive the requirement for an inspection and submittal of the Checklist if the Building Official  
22   determines that an inspection or documents submitted under other permit applications are the  
23   equivalent of the inspection and Checklist submittal requirements of this Chapter 11D.

24           \* \* \* \*

1 SECTION 1106D – BUILDING PERMIT REQUIRED; INSPECTION AND COMPLETION OF  
 2 WORK; VALUATION APPLIED TO FUTURE PROJECTS; NOTICE TO TENANT(S)

3 **1106D.1. Building Permit Required.** A building permit is required to make any and all  
 4 modifications to a building either mandated or authorized by this Chapter 11D. All work  
 5 required by this Chapter 11D shall be considered by the Department to be barrier removal and  
 6 no additional path of travel upgrade shall be required. Only those elements that are actually  
 7 altered will be required to comply with the current requirements of this Code.

8 If a permit is required to remediate the entryway or the sidewalk, the Owner shall  
 9 provide written notice to the business tenant or tenants of the building a minimum of 30 days'  
 10 prior to filing the permit application with the Department.

11 \* \* \* \*

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

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

20

21 TABLE 1107D COMPLIANCE SCHEDULE <del>7</del>				
22 <u>Category</u>	23 <u>Category</u> <u>Description</u>	24 Submit compliance Checklist and specify compliance Option	25 File application for required building permit(s)	Obtain required building permit(s) <del>1</del> <del>2</del>

1	Category One Buildings.	<i>In compliance</i>	<i>24 January 1, 2019</i>	N/A	N/A
2	Category Two Buildings	<i>No steps but barriers</i>	<i>24 January 1, 2019</i>	<i>27 April 1, 2019</i>	<i>39 April 1, 2020</i>
3	Category Three Buildings	<i>One step with barriers</i>	<i>36 June 1, 2019</i>	<i>39 September 1, 2019</i>	<i>51 September 1, 2020</i>
4	Category Four Buildings	<i>1+ step with other barriers</i>	<i>42 December 1, 2019</i>	<i>45 March 1, 2020</i>	<i>57 March 1, 2021</i>

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

9 <sup>2</sup> Pursuant 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 time is granted pursuant to Section 1108D.

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

13 (a) For good cause shown, the Building Official may grant one extension of time for  
 14 up to six months from the compliance timelines in Table 1107D. For good cause shown, one  
 15 or more additional extensions of time may be granted by the Access Appeals Commission  
 16 pursuant to Section 1110D; provided, however, that in no event shall the Commission extend  
 17 the time to complete the mandatory work required by this Chapter 11D beyond December 1,  
 18 2023 ~~seven years from the effective date of this Chapter 11D.~~ The Commission's decision shall be  
 19 final.

20 \* \* \* \*

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

23 \* \* \* \*

24 **1113D.2. Report to the Board of Supervisors.** ~~Within two years from the effective date of this~~  
 25 ~~Chapter 11D, and following~~ After consultation and coordination with other appropriate City

1 departments and agencies, on or before December 1, 2018 the Department shall submit a report  
2 in writing to the Board of Supervisors concerning the effectiveness of this Chapter 11D and  
3 including recommendations, if any, for amendments to this Chapter. A progress report shall  
4 be submitted to the Board of Supervisors once a year thereafter until completion of this  
5 Chapter's disability access improvement program.

6  
7 **~~SECTION 1115D — ADMINISTRATIVE FEE~~**

8 *In addition to any other permit fees that may apply, the Department shall charge the Owner of*  
9 *each property within the scope of this Chapter 11D an administrative fee to compensate the*  
10 *Department for the cost of the services necessary to implement and enforce Chapter 11D's disability*  
11 *access improvement program. The administrative fee shall be the Standard Hourly Rate for*  
12 *Administration set forth in Table 1A-D of this Code. The administrative fee is payable within 30 days of*  
13 *the Department's notice that payment is due.*

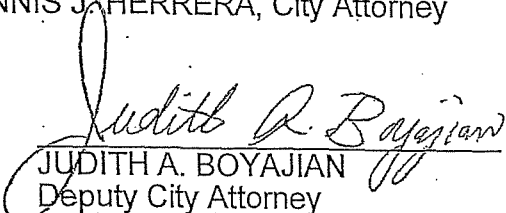
14  
15 Section 4. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.

19  
20 Section 5. 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  
25 the official title of the ordinance.

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Section 6. Directions to Clerk. The Clerk of the Board of Supervisors shall forward a copy of this ordinance to the California Building Standards Commission upon its enactment.

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

By:   
JUDITH A. BOYAJIAN  
Deputy City Attorney  
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**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 4/23/2018)

[Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee]

**Ordinance amending the Building Code to extend the times for existing buildings with a place of public accommodation either to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; to extend the time to submit the Department of Building Inspection's report on the disability access improvements program to the Board of Supervisors; authorizing the Building Official to waive the requirements for an inspection and submittal of information for those building owners who have complied with the requirements under other permits; requiring the building owner to provide 30 days' written notice to business tenants if a permit is required to remediate the entryway or sidewalk; eliminating the administrative fee to implement the disability access improvement program; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.**

Existing Law

Chapter 11D of the Building Code 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 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 there is equivalent facilitation, compliance is technically infeasible, or compliance is an unreasonable hardship. Section 1108D provides that in no event shall the Access Appeals Commission grant an extension of time to comply beyond seven years from Chapter 11D's effective date. Section 1113D requires the Department of Building Inspection to submit within two years 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 ordinance, as introduced, extends for approximately six months the time for the owner's compliance with the disability access improvement requirements. Also extended by an additional six months is the time for the Department of Building Inspection to submit a written report to the Board and the limitation on granting extensions of time to comply. The Administrative Fee for implementation of the disability access improvement program is deleted.

The following additional changes have been included in the revised ordinance:

**SECTION 1102D – DEFINITIONS**

- The definition of “Place of Public Accommodation” in the Building Code replaces the one in the California Construction-Related Accessibility Compliance Act.
- The Building Code’s definition of “Unreasonable Hardship” is supplemented to authorize the Director of the Department of Building Inspection (“DBI”) or the Access Appeals Commission (where necessary and for purposes of Chapter 11D only) to use applicable criteria in the Americans with Disabilities Act for determining what is an Undue Hardship or is Readily Achievable.

**SECTION 1103D – COMPLIANCE CATEGORIES**

Two subcategories have been added to Category One for buildings where the owners elected (pursuant to Section 1107D) to comply with the requirements of Chapter 11D under other permits prior to the compliance deadlines.

**SECTION 1104D – INSPECTION AND SUBMISSION OF PRIMARY ENTRY COMPLIANCE CHECKLIST**

An Exception has been added for the two additional Category One subcategories that authorizes the Director of DBI to waive the requirement of an inspection and submittal of the Checklist if the Director determines that an inspection or documents submitted under other permit applications are the equivalent of the inspection and checklist submittal requirements of Chapter 11D.

**SECTION 1106D – BUILDING PERMIT REQUIRED; INSPECTION AND COMPLETION OF WORK; VALUATION APPLIED TO FUTURE PROJECTS**

The owner is required to provide written notice to the business tenant(s) of the building a minimum of 30 days’ prior to filing an application for a permit to remediate the entryway or the sidewalk.

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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

April 18, 2018

Mark Farrell  
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

Shirley Wong  
Assistant Secretary

Tom C. Hui  
Director

Dear Ms. Calvillo:

**RE: File No. 180323**

**Ordinance amending the Building Code to extend the times for existing buildings with a place of public accommodation either to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; to extend the time to submit the Department of Building Inspection's report on the disability access improvements program to the Board of Supervisors; eliminating the administrative fee to implement the disability access improvement program; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.**

The Building Inspection Commission met and held a public hearing on April 18, 2018 regarding File No. 180323 on the proposed amendment to the San Francisco Building Code referenced above. The Commissioners voted unanimously to support the ordinance.

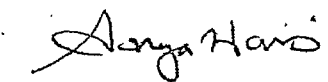
The Commissioners voted as follows:

President McCarthy	Yes	Vice-President Walker	Yes
Commissioner Clinch	Excused	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.

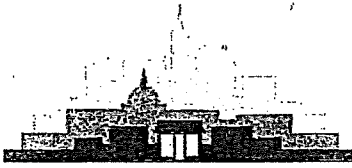


Sincerely,

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



SAN FRANCISCO  
OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO  
MARK FARRELL, MAYOR

OFFICE OF SMALL BUSINESS  
REGINA DICK-ENDRIZZI, DIRECTOR

File No. 180323  
Received via email  
4/17/18

April 11, 2018

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. 180323 - Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee

Small Business Commission Recommendation to the Board of Supervisors: **Approval, with 1 recommendation to amend.**

Dear Ms. Calvillo,

The Small Business Commission (SBC), recommends approval of BOS File No: 180323 and the extension of the filing deadlines for the Mandatory Disability Access Improvements for Places of Public Accommodation ordinance now referred to as the Accessible Business Entrance Program (ABE). The extension will allow for property owners to better meet the deadline for submitting the Pre-Screening Form or the Compliance Checklist for entryways classified as Category 1 and 2. This extension timeline is helpful to the very small property owners who need more support in understanding the requirements to comply.

The Small Business Commission considers the extension to January 1, 2019 is an adequate amount of time for the small property owners to comply and no further extensions will be needed. The SBC also supports the amendment to require all work to be completed by December 1, 2023. The Small Business Commission extends its appreciation to Director Tom Hui, Department of Building and Inspection and the Building Inspection Commission for waiving the administrative fee.

**The SBC has one recommended amendment to the ordinance:** The property owner shall provide a minimum of a 30 day notice to the business tenant when permits are required to remediate the barrier(s) of the entryway or sidewalk.

The Commission respectfully requests that you approve this legislation with the one amendment. Please feel free to contact me should you have any questions.

Sincerely,

Regina Dick-Endrizzi  
Director, Office of Small Business

cc: Supervisor Katy Tang  
Andres Power, Senior Advisor, Office of Mayor Mark Farrell  
Angus McCarthy, President, Building Inspection Commission  
Tom Hui, Director, Department of Building Inspection  
Lisa Pagan, Office of Economic and Workforce Development  
Erick Major, Clerk of the Land Use & Transportation Committee

180323

**From:** Board of Supervisors, (BOS)  
**Sent:** Wednesday, April 18, 2018 4:46 PM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: SF Chamber Letter Re: File #180323, Building Code – Mandatory Disability Access Improvements  
**Attachments:** 4.18.18 Support File 180323, Extension of Time Deadlines for Mandatory Disability Access Improvement.pdf

**From:** Alexander Mitra [<mailto:amitra@sfchamber.com>]  
**Sent:** Wednesday, April 18, 2018 4:41 PM  
**To:** Breed, London (BOS) <[london.breed@sfgov.org](mailto:london.breed@sfgov.org)>; Tang, Katy (BOS) <[katy.tang@sfgov.org](mailto:katy.tang@sfgov.org)>  
**Cc:** Power, Andres (MYR) <[andres.power@sfgov.org](mailto:andres.power@sfgov.org)>; Summers, Ashley (BOS) <[ashley.summers@sfgov.org](mailto:ashley.summers@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Fewer, Sandra (BOS) <[sandra.fewer@sfgov.org](mailto:sandra.fewer@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Kim, Jane (BOS) <[jane.kim@sfgov.org](mailto:jane.kim@sfgov.org)>; Yee, Norman (BOS) <[norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)>; Sheehy, Jeff (BOS) <[jeff.sheehy@sfgov.org](mailto:jeff.sheehy@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Cohen, Malia (BOS) <[malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; MayorMarkFarrell (MYR) <[mayormarkfarrell@sfgov.org](mailto:mayormarkfarrell@sfgov.org)>; Power, Andres (MYR) <[andres.power@sfgov.org](mailto:andres.power@sfgov.org)>; Hui, Tom (DBI) <[tom.hui@sfgov.org](mailto:tom.hui@sfgov.org)>; Dick-Endrizzi, Regina (ECN) <[regina.dick-endrizzi@sfgov.org](mailto:regina.dick-endrizzi@sfgov.org)>  
**Subject:** SF Chamber Letter Re: File #180323, Building Code – Mandatory Disability Access Improvements

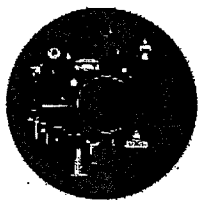
President Breed and Supervisor Tang,

Please see the attached letter from the San Francisco Chamber and co-signed business organizations, listed below, supporting file 180323 and requesting amendments.

Co-Signing Organizations:

- Golden Gate Restaurant Association
- Hotel Council of San Francisco
- San Francisco Council of District Merchant Associations
- Building Owners and Managers of San Francisco
- Golden Gate Business Association
- Greater Geary Merchants Association
- Union Square Business Improvement District

Thank you,



**Alex Mitra**  
 Manager, Public Policy  
 San Francisco Chamber of Commerce  
 235 Montgomery St., Ste. 760, San Francisco, CA 94104  
 (O) 415-352-8808 • (E) [amitra@sfchamber.com](mailto:amitra@sfchamber.com)





235 Montgomery St., Ste. 760, San Francisco, CA 94104  
tel: 415.352.4520 • fax: 415.392.0485  
sfchamber.com • twitter: @sf\_chamber

April 18, 2018

The Honorable London Breed, President  
The Honorable Katy Tang, Chair, Land Use and Transportation Committee  
San Francisco Board of Supervisors  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, #244  
San Francisco, CA 94012

RE: SUPPORT: File #180323, Building Code – Mandatory Disability Access Improvements for Places of Public Accommodation– Extension of Time Deadlines (**Amendment Requested**)

Dear President Breed and Supervisor Tang,

The undersigned, representing the interests of thousands of local businesses, support Supervisor Tang's proposed ordinance (File #180323) that extends timelines in Chapter 11D of the Building Code related to Mandatory Disability Access improvements. It also eliminates the administrative fee to implement the Disability Access Improvement Program. We support a suggested amendment to the current draft regarding notice, which is described below.

Chapter 11D of the Building Code was enacted in April 2016 and became effective in May 2016. It established a timeline for owners of existing buildings with a place of public accommodation to have a building inspected for compliance with accessible entry and path of travel requirements and, if not in compliance, to either bring the building into compliance or obtain a finding from the City of equivalent facilitation, technical infeasibility, or unreasonable hardship. Extensions of time could be granted but not beyond six years from Chapter 11D's effective date. A status report on the implementation of Chapter 11D from the Department of Building Inspection (DBI) was due to the Board of Supervisors in May 2017.

Subsequent legislation extended for one year the original time for compliance with the accessible entry and path of travel requirements, the six-year limitation on extensions of time, and the DBI report deadline. This ordinance extends each of those three extended deadlines for an additional six months:

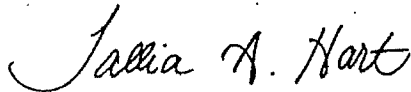
The undersigned support making the city's building stock accessible to all persons when possible, and we also believe extending timelines in order to meet the compliance deadlines is both necessary and reasonable.

San Francisco sidewalks are narrow and crowded, often lining steep hillside streets. Much of our commercial building stock is old and constructed to the property line with little or no setbacks. Neighborhood shopping areas feature many older small-scale, mixed-use buildings with narrow doorways, uneven flooring and front steps that do not comply with federal and state disability requirements.

More time is needed for property owners to bring buildings into compliance with the Mandatory Disability Access Improvement requirements. While disability access is unequivocally important, that construction is time-consuming and costly for both property and business owners. Eliminating the administrative fee will certainly help local businesses in their good-faith efforts to come into compliance with the code. Ensuring there is ample time within which to comply is also very beneficial. In this regard, we would support an amendment to the legislation that property owners must give businesses at least 30 days notice before commencing construction to come into compliance. This will help mitigate impacts on the businesses that the construction may cause.

We who represent many in the San Francisco businesses community wish to thank Supervisor Tang for introducing this legislation, and we urge the Board of Supervisors to support it.

Sincerely,



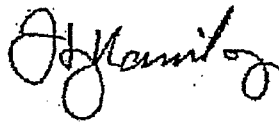
Tallia Hart  
San Francisco Chamber of Commerce



Gwyneth Borden  
Golden Gate Restaurant Association



Kevin Carroll  
Hotel Council of San Francisco



Henry Karnilowicz  
San Francisco Council of District Merchant Association



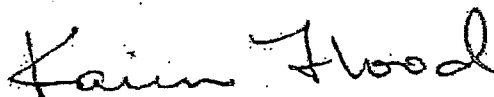
John Bozeman  
Business Owners and Managers  
Association of San Francisco



Paul Pendergast  
Golden Gate Business Association



David Heller  
Greater Geary Boulevard Merchants Association



Karin Flood  
Union Square Business Improvement District

cc: Clerk of the Board, to be distributed to all Supervisors; Mayor Mark Farrell; Tom Hui, Director, SF Department of Building Inspection; Regina Dick-Endrizzi, Executive Director, SF Office of Small Business

Member, Board of Supervisors  
District 4



City and County of San Francisco

*Handwritten:* 305  
Clerk

**KATY TANG**

*Handwritten:* 305  
2018 APR 19 AM 9:12  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

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DATE: April 18, 2018  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor Katy Tang, Chair, Land Use and Transportation Committee  
RE: Land Use and Transportation Committee  
COMMITTEE REPORT

---

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, April 24, 2018, as Committee Report:

**180323 Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee**

Ordinance amending the Building Code to extend the times for existing buildings with a place of public accommodation either to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; to extend the time to submit the Department of Building Inspection's report on the disability access improvements program to the Board of Supervisors; eliminating the administrative fee to implement the disability access improvement program; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, April 23, 2018, at 1:30 p.m.

805-11  
COB, Leg Rep  
LU Clerk  
Dep City Atty

President, District 5  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7630  
Fax No. 554-7634  
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 4/9/2018

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 180323 Tang  
(Primary Sponsor)

Title. Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of

Transferring (Board Rule No 3.3)

File No. \_\_\_\_\_  
(Primary Sponsor)

Title. \_\_\_\_\_

From: \_\_\_\_\_ Committee

To: \_\_\_\_\_ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

London Breed, President  
Board of Supervisors

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BY ew



Member, Board of Supervisors  
District 4



City and County of San Francisco

18) Dep  
Leg Clerk  
LU Clerk

**KATY TANG**

---

DATE: April 11, 2018

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Katy Tang, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORT


---

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, April 17, 2018, as Committee Report:

**180323 Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee**

Ordinance amending the Building Code to extend the times for existing buildings with a place of public accommodation either to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; to extend the time to submit the Department of Building Inspection's report on the disability access improvements program to the Board of Supervisors; eliminating the administrative fee to implement the disability access improvement program; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, April 16, 2018, at 1:30 p.m.

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

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

DATE: April 11, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Tang on April 3, 2018:

**File No. 180323**

**Ordinance amending the Building Code to extend the times for existing buildings with a place of public accommodation either to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; to extend the time to submit the Department of Building Inspection's report on the disability access improvements program to the Board of Supervisors; eliminating the administrative fee to implement the disability access improvement program; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors 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 Land Use and Transportation 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 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

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

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SAN FRANCISCO

2018 APR -3 PM 4:45

Time stamp  
or meeting date

BY \_\_\_\_\_

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)  
*(no need)*
- 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. Reactivate File No. [ ]
- 10. 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 Form.**

Sponsor(s):

Tang

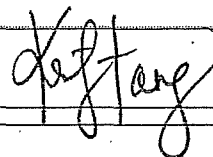
Subject:

Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee

The text is listed below or attached:

[ ]

Signature of Sponsoring Supervisor: \_\_\_\_\_



For Clerk's Use Only:

