File No	191150	Committee Item No	2
		Board Item No.	

## **COMMITTEE/BOARD OF SUPERVISORS**

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Committee:	Land Use and Transportation Committee Date March 30, 2020
Board of Su	pervisors Meeting Date
<b>Cmte Board</b>	
	Motion Resolution
	Ordinance
	Legislative Digest
	Budget and Legislative Analyst Report
H H	Youth Commission Report
	Introduction Form
H	Department/Agency Cover Letter and/or Report
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H	Grant Budget
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	Award Letter
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OTHER	(Use back side if additional space is needed)
$\square$	Referral BIC 112019
	Referral FYI 112019
$\overline{\square}$	Referral SBC 112019
	BIC Response 112019
	Referral BIC 021220
	Referral SBC 021220
	Referral FYI 021220
	BIC Response 021420
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Completed b	
Completed by	ov: Erica Maior Date

NOTE:

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

Ordinance amending the Building Code to extend the time for existing buildings with a place of public accommodation to comply with the requirement 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, and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors.

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in single-underline italics Times New Roman font.

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

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:

Section 1. Findings.

- (a) Pursuant to Charter Section D3.750-5, the Building Inspection Commission considered this ordinance at a duly noticed public hearing held on February 13, 2020.
- (b) Chapter 11D of the Building Code requires the owner of an existing building with a place of public accommodation to have the building inspected for compliance with accessible entry and path of travel requirements. If the building is not in compliance, the owner must either bring the building into compliance or obtain a finding from the City of equivalent facilitation, technical infeasibility, or unreasonable hardship. Table 1107D sets forth deadlines for the four compliance categories to submit specified information to DBI, file an

application for any required building permits, and obtain the required building permits. All mandated work must be completed within the time periods specified in the Building Code for building permits unless an extension of time is granted pursuant to Section 1108D.

(c) Under the Building Code, property owners are responsible for compliance with Code requirements notwithstanding any leases that may shift some of the burden of compliance onto the tenants. Many, if not all, of the buildings subject to the Chapter 11D requirements have multiple leased spaces many of which are operated by small businesses without a lot of financial resources. This ordinance will extend for an additional six months all compliance deadlines to resolve compliance issues for those owners who missed past deadlines and to give building owners and tenants more time to resolve any compliance issues going forward.

Section 2. The Building Code is hereby amended by revising Section 1107D, 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 times 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					
Category	Category Description	Submit compliance Checklist and specify compliance Option	File application for required building permit(s)	Obtain required building permit(s) 1	
Category One Buildings	In compliance	<del>January</del> <u>September</u> 1, <u>2020</u> <del>2019</del>	N/A	N/A	
Category Two Buildings	No steps but barriers	<i>January September</i> 1, 2020 2019	April <u>December</u> 1, 2020 <del>2019</del>	April <u>September</u> 1, <u>2021</u> <del>2020</del>	
Category Three Buildings	One step with barriers	June <u>September</u> 1, <u>2020 <del>2019</del> </u>	September December 1, 2020 2019	September 1, <u>2021 <del>2020</del></u>	
Category Four Buildings	1+ step with other barriers	<del>December</del> <u>September</u> 1, <u>2020 <del>2019</del></u>	March <u>December</u> 1, 2020	<i>March September</i> 1, 2021	

1. 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 of time is granted pursuant to Section 1108D

#### SECTION 1108D - EXTENSIONS OF TIME

(a) For good cause shown, the Building Official may grant one extension of time for up to six months from the compliance timelines in Table 1107D. For good cause shown, one or more additional extensions of time may be granted by the Access Appeals Commission 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 *December June* 1, 2023 2024. The Commission's decision shall be final.

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

1113D.2. Report to the Board of Supervisors. After consultation and coordination with other appropriate City departments and agencies, on or before *December January* 1, 2022 2018 the Department shall submit a report in writing to the Board of Supervisors concerning the effectiveness of this Chapter 11D and including recommendations, if any, for amendments to this Chapter. A progress report shall be submitted to the Board of Supervisors once a year thereafter until completion of this Chapter's disability access improvement program.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal 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 the official title of the ordinance.

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

By:

Deputy City Attorney

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## **LEGISLATIVE DIGEST**

(Substituted, 2/4/20)

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

Ordinance amending the Building Code to extend for the time for existing buildings with a place of public accommodation to comply with the requirement 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, and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors.

#### **Existing Law**

Chapter 11D of the Building Code requires the owner of an existing building with a place of public accommodation to have the building inspected for compliance with accessible entry and path of travel requirements. If the building is not in compliance, the owner must either bring the building into compliance or obtain a finding from the City of equivalent facilitation, technical infeasibility, or unreasonable hardship. Table 1107D sets forth deadlines for the four compliance categories to submit specified information to DBI, file an application for any required building permits, and obtain the required building permits. All mandated work must be completed within the time periods specified in the Building Code for building permits unless an extension of time is granted pursuant to Section 1108D. Section 1113D requires the Department of Building Inspection to submit a written report to the Board of Supervisors concerning the effectiveness of Chapter 11D, including recommendations, if any, for amendments to the Chapter.

#### Amendments to Current Law

This ordinance will extend the time to comply with the requirements and standardize the deadlines for all building categories.

#### **Background Information**

Under the Building Code, property owners are responsible for compliance with Code requirements notwithstanding any leases that may shift some of the burden of compliance onto the tenants. Many, if not all, of the buildings subject to the Chapter 11D requirements have multiple leased spaces many of which are operated by small businesses without a lot of financial resources. Extension of the compliance deadlines will give building owners and tenants more time to resolve any compliance issues going forward. Establishing the same compliance deadlines for all building categories will streamline and simplify the process.

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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

London N. Breed Mayor February 14, 2020

COMMISSION

Angus McCarthy President

Alysabeth Alexander-Tut Kevin Clinch Jon Jacobo Frank Lee Sam Moss Jason Tam

Sonya Harris Secretary

Tom C. Hui S.E., C.B.O, Director Ms. Angela Calvillo Clerk of the Board Board of Supervisors, City Hall 1 Dr. Carlton B. Goodlett Place, Room 244

Dear Ms. Calvillo:

RE: File No. 191150-2

San Francisco, CA 94102-4694

Ordinance amending the Building Code to extend for the time for existing buildings with a place of public accommodation to comply with the requirement 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, and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors.

The Building Inspection Commission met and held a public hearing on February 13, 2020 regarding File No. 191150-2 on the proposed amendment to the Building Code referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance.

President McCarthy Yes Commissioner Moss Yes
Commissioner Clinch Yes Commissioner Jacobo Yes
Commissioner Lee Yes Commissioner Tam Yes
Commissioner Alexander-Tut Yes

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

Sincerely,

Sonya Harris

Commission Secretary

cc: Tom C. Hui, S.E., C.B.O., Director Mayor London N. Breed Supervisor Norman Yee Board of Supervisors

#### BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection Voice (415) 558-6164 - Fax (415) 558-6509 1660 Mission Street, San Francisco, California 94103-2414

November 22, 2019

London N. Breed Mayor

Ms. Angela Calvillo Clerk of the Board

COMMISSION

Board of Supervisors, City Hall

Angus McCarthy President

1 Dr. Carlton B. Goodlett Place, Room 244

Debra Walker Vice-President San Francisco, CA 94102-4694

Kevin Clinch John Konstin Frank Lee

Dear Ms. Calvillo:

James Warshell Sonya Harris Secretary

Sam Moss

RE: File No. 191150

Shirley Wong Assistant

Secretary

Ordinance amending the Building Code to extend for an additional six months the times for existing buildings with a place of public accommodation 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, and to extend the period for granting

Tom C. Hui

extensions from those deadlines.

S.E., C.B.O., Director

The Building Inspection Commission met and held a public hearing on November 20, 2019 regarding File No. 191150 on the proposed amendment to the Green Building Code referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance.

President McCarthy Commissioner Clinch Commissioner Lee

Vice-President Walker Commissioner Konstin Absent Absent

Yes Yes

Yes

Commissioner Moss

Absent

Commissioner Warshell

Yes

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

Sincerely,

Sonva Harris

Commission Secretary

CC:

Tom C. Hui, S.E., C.B.O., Director

Mayor London N. Breed Supervisor Norman Yee Board of Supervisors

#### ABE REPORT Snapshot

#### 03/16/2020 08:00:00

Category Exempt: 4,995

Category 1: 2,102

Category 2: 2,337

Category 3: 511

Category 4: 459

WAIVED: 892

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TOTAL 11,296

Pre-Screening Form: 4,553

Category Checklist Compliance Form: 5,424

Technical Infeasibility: 355

Unreasonable Hardship: 249

Alternate Methods: 211

Extension of Time to Subm Req Forms: 905

Extension of Time to File a Permit Appl: 438

Equivalent Facilitation: 212

Waiver Form: 900

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TOTAL 13,247

Complied: 5,224 NonComplied: 5,949 Total: 11,173



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:

February 12, 2020

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Yee on February 4, 2020:

File No. 191150-2

Ordinance amending the Building Code to extend for the time for existing buildings with a place of public accommodation to comply with the requirement 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, and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors.

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: <a href="mailto:Erica.Major@sfgov.org">Erica.Major@sfgov.org</a>.

c: John Murray, Department of Building Inspection Patty Lee, Department of Building Inspection



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

TO:

Regina Dick-Endrizzi, Director

Small Business Commission, City Hall, Room 448

FROM:

Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE:

February 12, 2020

SUBJECT:

REFERRAL FROM BOARD OF SUPERVISORS

Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 191150-2

Ordinance amending the Building Code to extend for the time for existing buildings with a place of public accommodation to comply with the requirement 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, and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Dominica Donovan, Senior Policy Analyst/Commission Secretary
***************************************
RESPONSE FROM SMALL BUSINESS COMMISSION - Date:
No Comment Recommendation Attached



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

## MEMORANDUM

TO:

Nicole Bohn, Director, Mayor's Office on Disability

FROM:

Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE:

February 12, 2020

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Yee on February 4, 2020:

File No. 191150-2

Ordinance amending the Building Code to extend for the time for existing buildings with a place of public accommodation to comply with the requirement 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, and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: <a href="mailto:erica.major@sfgov.org">erica.major@sfgov.org</a>.



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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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## 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:

November 20, 2019

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Yee on November 12, 2019:

File No. 191150

Ordinance amending the Building Code to extend for an additional six months the times for existing buildings with a place of public accommodation 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, and to extend the period for granting extensions from those deadlines.

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: <a href="mailto:erica.major@sfgov.org">erica.major@sfgov.org</a>.

c: William Strawn, Department of Building Inspection Patty Lee, Department of Building Inspection



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

TO:

Regina Dick-Endrizzi, Director

Small Business Commission, City Hall, Room 448

FROM:

Erica Major, Assistant Clerk

Land Use and Transportation Committee

DATE:

November 20, 2019

SUBJECT:

REFERRAL FROM BOARD OF SUPERVISORS

Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, which is being referred to the Small Business Commission for comment and recommendation.

File No. 191150

Ordinance amending the Building Code to extend for an additional six months the times for existing buildings with a place of public accommodation 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, and to extend the period for granting extensions from those deadlines.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**************************************	**************************************
No Comment Recommendation Attached	
	Chairnerson Small Business Commission

cc: Dominica Donovan



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

### MEMORANDUM

TO:

Nicole Bohn, Director, Mayor's Office on Disability

FROM:

Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE:

November 20, 2019

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following hearing matter, introduced by Supervisor Yee on November 12, 2019:

File No. 191150

Ordinance amending the Building Code to extend for an additional six months the times for existing buildings with a place of public accommodation 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, and to extend the period for granting extensions from those deadlines.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

## **Introduction Form**

By a Member of the Board of Supervisors or Mayor

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

Zee b.	r Sh
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	inquiries"
5. City Attorney Request.	
6. Call File No. from Committee.	
7. Budget Analyst request (attached written motion).	
8. Substitute Legislation File No. 191150	
9. Reactivate File No.	
10. Topic submitted for Mayoral Appearance before the BOS on	
Please check the appropriate boxes. The proposed legislation should be forwarded to the following	; <b>:</b>
∑ Small Business Commission           ☐ Youth Commission           ☐ Ethics Commission	sion
☐ Planning Commission ☐ Building Inspection Commission	
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative I	Form.
Sponsor(s):	
Yee	
Subject:	
Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Time Deadlines	Extension of
The text is listed:	
Ordinance amending the Building Code to extend for the time for existing buildings with a place of accommodation to comply with the requirement to have all primary entries and paths of travel into the accessible to persons with disabilities or to receive a City determination of equivalent facilitation, the infeasibility, or unreasonable hardship, to extend the period for granting extensions from those deadlextend the time for the Department of Building Inspection's Report to the Board of Supervisors.	he building chnical
Signature of Sponsoring Supervisor:	

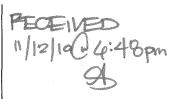
For Clerk's Use Only

Print Form

## **Introduction Form**

By a Member of the Board of Supervisors or Mayor

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



Time stamp or meeting date

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amer	ndment).
2. Request for next printed agenda Without Reference to Committee.	
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5. City Attorney Request.	
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7. Budget Analyst request (attached written motion).	
8. Substitute Legislation File No.	
9. Reactivate File No.	
10. Topic submitted for Mayoral Appearance before the BOS on	
Please check the appropriate boxes. The proposed legislation should be forwarded to the	he following:
☐ Small Business Commission ☐ Youth Commission ☐ Eth	nics Commission
Planning Commission Building Inspection Co	mmission
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the I	mperative Form.
Sponsor(s):	-
Yee	
Subject:	<del></del>
Building Code - Mandatory Disability Access Improvements for Places of Public According Deadlines for an Additional Six Months	nmodation - Extension of
The text is listed:	
See attached.	
Signature of Sponsoring Supervisor:	V
For Clerk's Use Only	
	*Children on microscope