

File No. 191150 Committee Item No. 2
Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date March 30, 2020
Board of Supervisors Meeting Date April 14, 2020

Cmte Board

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- Legislative Digest
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- Youth Commission Report
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- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
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- Referral BIC 112019
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- Referral SBC 112019
- BIC Response 112019
- Referral BIC 021220
- Referral SBC 021220
- Referral FYI 021220
- BIC Response 021420
- _____
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Completed by: Erica Major Date March 27, 2020
Completed by: Erica Major Date _____

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

3 **Ordinance amending the Building Code to extend the time for existing buildings with a**
4 **place of public accommodation to comply with the requirement to have all primary**
5 **entries and paths of travel into the building accessible to persons with disabilities or to**
6 **receive a City determination of equivalent facilitation, technical infeasibility, or**
7 **unreasonable hardship, to extend the period for granting extensions from those**
8 **deadlines, and to extend the time for the Department of Building Inspection’s Report to**
9 **the Board of Supervisors.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
13 **Board amendment additions** are in Arial font.
14 **Board amendment deletions** are in ~~Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

18 Section 1. Findings.

19 (a) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
20 considered this ordinance at a duly noticed public hearing held on February 13, 2020.

21 (b) Chapter 11D of the Building Code requires the owner of an existing building with
22 a place of public accommodation to have the building inspected for compliance with
23 accessible entry and path of travel requirements. If the building is not in compliance, the
24 owner must either bring the building into compliance or obtain a finding from the City of
25 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

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

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

12
13 Section 2. The Building Code is hereby amended by revising Section 1107D, to read
14 as follows:

15 **Chapter 11D**
16 **MANDATORY ACCESSIBILITY IMPROVEMENTS FOR BUILDINGS WITH A PLACE**
17 **OF PUBLIC ACCOMMODATION**

18 * * * *

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

21 The times for compliance with the requirements of this Chapter 11D are set forth in the
22 following Table 1107D. The Owner of a building within the scope of this Chapter must submit
23 all required forms, documents, and permit applications to the Department prior to the
24 deadlines set forth in Table 1107D but may comply with the requirements of this Chapter 11D,
25

1 or elect to comply with the requirements and procedures of the Building Code then in effect, at
 2 any time prior to the deadlines set forth in Table 1107D.

3

4 **TABLE 1107D
COMPLIANCE SCHEDULE**

5 Category	6 Category Description	7 Submit compliance Checklist and specify compliance Option	8 File application for required building permit(s)	9 Obtain required building permit(s) 1
10 Category One Buildings	In compliance	January <u>September 1, 2020</u> 2019	N/A	N/A
11 Category Two Buildings	No steps but barriers	January <u>September 1, 2020</u> 2019	April <u>December 1, 2020</u> 2019	April <u>September 1, 2021</u> 2020
12 Category Three Buildings	One step with barriers	June <u>September 1, 2020</u> 2019	September <u>December 1, 2020</u> 2019	<u>September 1, 2021</u> 2020
13 Category Four Buildings	1+ step with other barriers	December <u>September 1, 2020</u> 2019	March <u>December 1, 2020</u>	March <u>September 1, 2021</u>

14 1. Pursuant to Section 1106D.4, all mandated work must be completed within the time
 15 periods specified in Section 106A.4.4 of this Code for Permit Expiration unless an extension of
 16 time of time is granted pursuant to Section 1108D

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

18 (a) For good cause shown, the Building Official may grant one extension of time for
 19 up to six months from the compliance timelines in Table 1107D. For good cause shown, one
 20 or more additional extensions of time may be granted by the Access Appeals Commission
 21 pursuant to Section 1110D; provided, however, that in no event shall the Commission extend
 22 the time to complete the mandatory work required by this Chapter 11D beyond ~~December~~ June
 23 1, 2023 ~~2024~~. The Commission’s decision shall be final.

1 * * * *

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

4 * * * *

5 **1113D.2. Report to the Board of Supervisors.** After consultation and coordination with
6 other appropriate City departments and agencies, on or before ~~December~~ January 1, 2022 ~~2018~~
7 the Department shall submit a report in writing to the Board of Supervisors concerning the
8 effectiveness of this Chapter 11D and including recommendations, if any, for amendments to
9 this Chapter. A progress report shall be submitted to the Board of Supervisors once a year
10 thereafter until completion of this Chapter’s disability access improvement program.

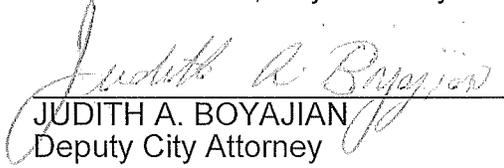
11
12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor’s veto of the ordinance.

16
17 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
20 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By:


7 JUDITH A. BOYAJIAN
8 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
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: 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 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

COMMISSION

Angus McCarthy
President

Debra Walker
Vice-President

Kevin Clinch
John Konstin
Frank Lee
Sam Moss
James Warshell

Sonya Harris
Secretary

Shirley Wong
Assistant
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
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: File No. 191150

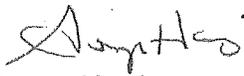
Ordinance amending the Building Code to extend for an additional six months the times for existing buildings with a place of public accommodation to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, and to extend the period for granting extensions from those deadlines.

The 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	Yes	Vice-President Walker	Absent
Commissioner Clinch	Yes	Commissioner Konstin	Absent
Commissioner Lee	Yes	Commissioner Moss	Absent
Commissioner Warshell	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

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

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

TOTAL 13,247

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

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: 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: Erica.Major@sfgov.org.

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

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

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

Chairperson, Small Business Commission

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: 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: erica.major@sfgov.org.

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: 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: erica.major@sfgov.org.

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

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

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.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

cc: Dominica Donovan

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: 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.

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Board of Supervisors
Time stamp
2020 FEB -4 P 4:58
for meeting

Rec'd by [Signature]

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 [] 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:

- 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 the Imperative Form.

Sponsor(s):

Yee

Subject:

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

The text is listed:

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.

Signature of Sponsoring Supervisor:

[Signature: Yee]

For Clerk's Use Only

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
11/12/19 @ 4:48pm
[Signature]
Time stamp
or meeting date

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.
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- 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 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 the Imperative Form.

Sponsor(s):

Yee

Subject:

Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines for an Additional Six Months

The text is listed:

See attached.

Signature of Sponsoring Supervisor:

[Handwritten Signature]