

File No. 210934 Committee Item No. 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
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Committee: Land Use and Transportation Committee Date October 18, 2021

Board of Supervisors Meeting Date _____

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Completed by: Erica Major Date October 14, 2021
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 by approximately two years**
4 **for existing buildings with a place of public accommodation to comply with the**
5 **requirement to have all primary entries and paths of travel into the building accessible**
6 **to persons with disabilities or to receive a City determination of equivalent facilitation,**
7 **technical infeasibility, or unreasonable hardship; to extend the period for granting**
8 **extensions from those deadlines; and to extend the time for the Department of Building**
9 **Inspection's Report to 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 *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough 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 September 8, 2021.

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 the

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

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

13

14 Section 2. Chapter 11D of the Building Code is hereby amended by revising Sections
15 1107D, 1108D, and 1113D, to read as follows:

16

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

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

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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	September 1, 2020 <u>September 30, 2022</u>	N/A	N/A
Category Two Buildings	No steps but barriers	September 1, 2020 <u>September 30, 2022</u>	December 1, 2020 <u>December 31, 2022</u>	September 1, 2021 <u>September 29, 2023</u>
Category Three Buildings	One step with barriers	September 1, 2020 <u>September 30, 2022</u>	December 1, 2020 <u>December 31, 2022</u>	September 1, 2021 <u>September 29, 2023</u>
Category Four Buildings	1+ step with other barriers	September 1, 2020 <u>September 30, 2022</u>	December 1, 2020 <u>December 31, 2022</u>	September 1, 2021 <u>September 29, 2023</u>

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

1 the time to complete the mandatory work required by this Chapter 11D beyond ~~June 1, 2024~~
2 June 30, 2026. The Commission’s decision shall be final.

3 * * * *

4
5 **SECTION 1113D – COORDINATION WITH OTHER CITY AGENCIES; REPORT TO THE**
6 **BOARD OF SUPERVISORS**

7 * * * *

8 **1113D.2. Report to the Board of Supervisors.** After consultation and coordination with
9 other appropriate City departments and agencies, on or before ~~January 1, 2022~~ January 31,
10 2024, the Department shall submit a report in writing to the Board of Supervisors concerning
11 the effectiveness of this Chapter 11D and including recommendations, if any, for amendments
12 to this Chapter. A progress report shall be submitted to the Board of Supervisors once a year
13 thereafter until completion of this Chapter’s disability access improvement program.

14
15 Section 3. 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 4. 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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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: /s/ Austin Yang for
KATE H. STACY
Deputy City Attorney

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LEGISLATIVE DIGEST

[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 for approximately two years, and will 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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CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

September 20, 2021

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. 210934: Building Code – Mandatory Disability Access Improvements for Places of Public Accommodation – Extension of Time Deadlines

The Small Business Commission Recommendation to the Board of Supervisors: **Support**

Dear Ms. Calvillo,

On September 13, 2021 the Small Business Commission (SBC) heard BOS File No. 210934: Building Code – Mandatory Disability Access Improvements for Places of Public Accommodation – Extension of Time Deadlines. Jeff Buckley, Policy and Public Affairs Director from the Department of Building Inspection presented the proposal. The SBC voted (7-0) to recommend that the Board of Supervisors support the legislation.

The SBC discussed the importance of assisting property owners in ensuring proper access to their properties. Recognizing that the implementation of this policy coincided with the COVID-19 pandemic, the Commission supports extending the implementation timeline by two more years. The SBC and Office of Small Business will continue to work closely with the Department of Building Inspection, Public Works, Planning Department, Mayor's Office on Disability and all other relevant agencies, to increase accessible entryways and support the small businesses having to meet this obligation as a condition of their lease.

Thank you for considering the Commission's recommendation. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Andres Powers, Policy Director, Office of Mayor London N. Breed
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Carmen Chu, City Administrator
Patrick O'Riordan, Interim Director, Department of Building Inspection

Rich Hillis, Director, Planning Department
Nicole Bohn, Executive Director, Mayor's Office on Disability
Carla Short, Interim Director, San Francisco Public Works
Jeff Buckley, Policy and Public Affairs Director, Department of Building Inspection
Lisa Pagan, Office of Economic and Workforce Development
Erica Major, Clerk of the Land Use and Transportation Committee

Mayor's Disability Council



Nicole Bohn
Director

Orkid Sassouni
Alex M. Madrid
Co-Chairs

September 27, 2021

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. 210934:** Building Code – Mandatory Disability Access Improvements for Places of Public Accommodation – Extension of Time Deadlines

The Mayor's Disability Council Recommendation to the Board of Supervisors: **Support**

Dear Ms. Calvillo,

The Mayor's Disability Council (MDC) recently held a public meeting where we discussed the Department of Building Inspection (DBI) proposal to extend the compliance deadline for the Accessible Business Entrance (ABE) program. We support the proposal to extend these deadlines by no more than two years because of the complications that have arisen due to the Covid-19 pandemic.

The MDC supports DBI's commitment that this will be the final extension to program compliance requirements.

The MDC appreciates the importance of working with property owners, as well as small business owners, in making sure their properties and businesses are accessible to all. The reaction to the proposed extension among our community members has been positive.

The MDC and Mayor's Office on Disability will continue to work closely with the Department of Building Inspection, Public Works, Planning Department, Office of Small Business and all other relevant agencies, to increase the accessibility of San Francisco's small businesses, and to advise on program enforcement improvements, as appropriate.

Thank you for considering the Council's recommendation. Please feel free to contact me with any questions.

Sincerely,

Helen Smolinski,
Councilmember, on behalf of
Mayor's Disability Council

cc: Andres Power, Policy Director, Office of Mayor London N. Breed
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Carmen Chu, City Administrator
Patrick O'Riordan, Interim Director, Department of Building Inspection
Rich Hillis, Director, Planning Department
Regina Dick-Endrizzi, Director, Office of Small Business
Nicole Bohn, Executive Director, Mayor's Office on Disability
Carla Short, Interim Director, San Francisco Public Works
Jeff Buckley, Policy and Public Affairs Director, Department of Building Inspection
Kate Sofis, Office of Economic and Workforce Development
Erica Major, Clerk of the Land Use and Transportation Committee



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection

49 South Van Ness Avenue, Suite 500 San Francisco, California 94103

Voice (628) 652 -3510

London N. Breed
Mayor

September 16, 2021

COMMISSION

Angus McCarthy
President

Jason Tam
Vice-President

Alysabeth
Alexander-Tut
Raquel Bito
Sam Moss
Angie Sommer

Sonya Harris
Secretary

Monique Jones
Assistant
Secretary

Patrick O'Riordan,
Interim 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. 210934

Ordinance amending the Building Code to extend the time by approximately two years 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.

This amendment was heard at the Code Advisory Committee (CAC) meeting on September 8, 2021. The CAC recommended the adoption of ordinance File No. 210934 as written with the suggested amendment.

- The CAC was concerned that the date to submit the compliance checklist, 9/30/2022 and the date to file for the building permit, 11/31/2022 are too close together for the applicant's and the Building Department's ability to process.
- The CAC voted to forward the proposed change to the Building Inspection Commission (BIC) with the recommendation that the September 30, 2022 date to submit the compliance checklist be moved back to June 30, 2022.

The Building Inspection Commission met and held a public hearing on September 15, 2021 regarding File No. 210934 on the proposed amendment to the Building Code referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance **with suggested modification** as follows: A friendly amendment that the September 30, 2022 date to submit the compliance checklist be moved back to June 30, 2022.

President McCarthy	Yes	Vice-President Tam	Yes
Commissioner Bito	Yes	Commissioner Moss	Yes
Commissioner Sommer	Yes	Commissioner Alexander-Tut	Yes

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,



Sonya Harris
Commission Secretary

cc: Patrick O'Riordan, Interim Director
Mayor London N. Breed
Board of Supervisors

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 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: September 10, 2021
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. 210934

Ordinance amending the Building Code to extend the time by approximately two years 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.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment
Recommendation Attached

Chairperson, Small Business Commission

cc: Kerry Birnbach

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: Patrick O'Riordan, Director, Department of Building Inspection
Sonya Harris, Commission Secretary, Building Inspection Commission

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

DATE: September 10, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Mayor Breed on September 7, 2021:

File No. 210934

Ordinance amending the Building Code to extend the time by approximately two years 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
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: September 10, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on September 7, 2021:

File No. 210934

Ordinance amending the Building Code to extend the time by approximately two years 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.