

***BIC Regular Meeting
of
May 17, 2017***

Agenda Item 12

FILE NO.

LEGISLATIVE DIGEST

[Building Code - Mandatory Disability Access Improvements; Extension of Time for Compliance and Report to the Board of Supervisors]

Ordinance amending Chapter 11D of the Building Code to extend the time for 1) compliance with the requirement that an existing building with a place of public accommodation either have all primary entries and path of travel into the building accessible by persons with disabilities or receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship and 2) the Department of Building Inspection's report to the Board of Supervisors; restating the findings of local conditions under the California Health and Safety Code and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

Existing Law

Chapter 11D of the Building Code was enacted on April 22, 2016 by Ordinance No. 0051-16 and became effective on May 22, 2016. Its operative date was 60 days after enactment. Section 1107D established a timeline for the owner of an existing building with a place of public accommodation to have the building inspected for compliance with disability access requirements under specified circumstances and (2) either have a Primary Entry or Entries and Accessible Entrance Route into the building that is usable by persons with disabilities, or obtain a finding from the City that compliance is technically infeasible or is an unreasonable hardship.

Amendments to Current Law

The time within which the owner of an existing building with a place of public accommodation has to comply with the mandatory disability access requirements for the primary entrance and path of travel into the building is extended by one year. The time for the Department of Building Inspection to submit a written report to the Board on the effectiveness of Chapter 11D and recommendations for amendments to the Chapter is also extended by one year.

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1 [Building Code - Mandatory Disability Access Improvements; Extension of Time for
2 Compliance and Report to the Board of Supervisors]

3 **Ordinance amending Chapter 11D of the Building Code to extend the time for 1)**
4 **compliance with the requirement that an existing building with a place of public**
5 **accommodation either have all primary entries and path of travel into the building**
6 **accessible by persons with disabilities or receive from the City a determination of**
7 **equivalent facilitation, technical infeasibility, or unreasonable hardship and 2) the**
8 **Department of Building Inspection's report to the Board of Supervisors; restating the**
9 **findings of local conditions under the California Health and Safety Code and directing**
10 **the Clerk of the Board of Supervisors to forward the legislation to the California**
11 **Building Standards Commission upon final passage.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.

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

18 Section 1. Background and General 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 May 17, 2017.

21 (b) Chapter 11D of the Building Code was enacted on April 22, 2016 by Ordinance
22 No. 0051-16 and became effective on May 22, 2016. Its operative date was 60 days after
23 enactment. Section 1107D established a timeline for the owner of an existing building with a
24 place of public accommodation to have the building inspected for compliance with disability
25 access requirements under specified circumstances and (2) either have a Primary Entry or

1 Entries and Accessible Entrance Route into the building that is usable by persons with
2 disabilities, or obtain a finding from the City that compliance is technically infeasible or is an
3 unreasonable hardship.

4
5 Section 2. Restatement of Local Conditions under California Health and Safety Code
6 Section 17958.7. As stated in Ordinance No. 0051-16:

7 (a) San Francisco is a 49-square mile peninsula with many hills and steep streets.
8 The sidewalks are narrow, crowded, and often sloping; much of the building stock is old and
9 often was constructed to the property line and/or adjacent to the fronting sidewalk with no or
10 minimal setbacks.

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

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

23
24 Section 3. The Building Code is hereby amended by revising Sections 1107D and
25 1113D, to read as follows:

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

* * * *

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

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

TABLE 1107D COMPLIANCE SCHEDULE¹			
	Submit compliance Checklist and specify compliance Option	File application for required building permit(s)	Obtain required building permit(s)²
Category One Buildings	12 <u>24</u>	N/A	N/A
Category Two Buildings	12 <u>24</u>	15 <u>27</u>	27 <u>39</u>
Category Three Buildings	24 <u>36</u>	27 <u>39</u>	39 <u>51</u>
Category Four Buildings	30 <u>42</u>	33 <u>45</u>	45 <u>57</u>

¹Unless otherwise specified, time period is in months measured from the effective date of this Chapter 11D.

²Pursuant to Section 1106D.4, all mandated work must be completed within the time periods specified in Section 106A.4.4 of this Code for Permit Expiration unless an extension of time of time is granted pursuant to Section 1108D

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

3 * * * *

4 **1113D.2. Report to the Board of Supervisors.** Within ~~one~~ two years from the
5 effective date of this Chapter 11D , and following consultation and coordination with other
6 appropriate City departments and agencies, the Department shall submit a report in writing to
7 the Board of Supervisors concerning the effectiveness of this Chapter and including
8 recommendations, if any, for amendments to this Chapter. A progress report shall be
9 submitted to the Board of Supervisors once a year thereafter until completion of this Chapter's
10 disability access improvement program.

11
12 Section 4. 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 5. Directions to Clerk. The Clerk of the Board of Supervisors shall forward a
18 copy of this ordinance to the California Building Standards Commission upon its enactment.

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

21 By: _____
22 JUDITH A. BOYAJIAN
23 Deputy City Attorney
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