Ordinance amending Chapter 11D of the Building Code to extend the time for 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, the Department of Building Inspection’s report to the Board of Supervisors, and the limitation on granting extensions of time; 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.

NOTE: 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.

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

Section 1. Background and General Findings.
(a) Pursuant to Charter Section D3.750-5, the Building Inspection Commission considered this ordinance at a duly noticed public hearing held on May 17, 2017.
(b) 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 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 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.

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

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

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

(c) This combination of sloping streets, narrow sidewalks, and an old stock of small, multi-use buildings with narrow facades that were constructed to the property lines and/or abutting sidewalk has resulted in a large number of San Francisco buildings providing services to the public that have steps to the front entrance and other elements that do not comply with federal and state disability access requirements.
Section 3. The Building Code is hereby amended by revising Sections 1107D, 1108D, and 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.

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<th>Category Three Buildings</th>
<th>Category Four Buildings</th>
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</tr>
</tbody>
</table>

**TABLE 1107D COMPLIANCE SCHEDULE**

**Supervisor Tang**
**BOARD OF SUPERVISORS**
Unless otherwise specified, time period is in months measured from the effective date of this Chapter 11D.

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.

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 six seven years from the effective date of this Chapter 11D. 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. Within one two years from the effective date of this Chapter 11D, and following consultation and coordination with other appropriate City departments and agencies, the Department shall submit a report in writing to the Board of Supervisors concerning the effectiveness of this Chapter 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 4. 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 5. 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

Supervisor Tang
BOARD OF SUPERVISORS
City and County of San Francisco

Tails

Ordinance

File Number: 170837 Date Passed: September 26, 2017

Ordinance amending Chapter 11D of the Building Code to extend the time for 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, the Department of Building Inspection's report to the Board of Supervisors, and the limitation on granting extensions of time; 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.

September 11, 2017 Land Use and Transportation Committee - RECOMMENDED

September 19, 2017 Board of Supervisors - PASSED ON FIRST READING
Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy and Yee
Excused: 4 - Cohen, Farrell, Safai and Tang

September 26, 2017 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170837

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/26/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved: 10/5/2017