FILE NO.

LEGISLATIVE DIGEST

[Administrative Code, Planning Code, and Campaign and Governmental Conduct Code – Disability Access Improvements for Small Businesses and Landlord Obligations]

Ordinance requiring Commercial Landlords leasing to Small Businesses for Public Accommodations to: 1) bring ground floor entrances to and exits from the building into compliance with applicable state and federal disability access laws; 2) inform Small Business Tenants of the potential legal and financial liabilities for failure to comply with those laws; and 3) include in any new or amended leases a provision addressing the respective obligations of the landlord and Small Business Tenant to bring the leased premises into compliance with those access laws; requiring City to give priority to building permit applications for work to bring space leased to small business tenants into compliance with those access laws; amending the Planning Code to allow Small Self-Service Restaurants and Retail Coffee Stores to exclude the square footage of floor area required for disabled access from the calculation of maximum allowable square footage for such uses under applicable zoning restrictions; and adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

Existing Law

The Administrative Code does not require Commercial Landlords to complete any disability access improvements as a prerequisite to leasing real property or to include in leases a provision addressing the parties' respective disability access obligations.

In addition, the Campaign and Governmental Conduct Code does not expressly state that disability access improvements constitute a public policy basis for priority processing.

Under the Planning Code, Small Self-Service Restaurants and Retail Coffee Stores cannot exclude square footage required to comply with disability access requirements from the size limits for such restaurants and stores in certain zoning districts.

Amendments to Current Law

Under the proposed Ordinance, as of October 1, 2012, Commercial Landlords, prior to leasing property to a Small Business Tenant, must bring their ground floor entrances and exits into compliance with applicable disability access laws, notify Small Business Tenants of potential liabilities for failure to comply with those laws, and include in any lease the parties' respective disability access obligations.

The Ordinance would allow the appropriate City departments to grant priority processing to building permit applications for disability access improvements.

The Ordinance also allows certain small restaurants and coffee stores to exclude the square footage of floor area required for disabled access from the maximum allowable square footage for such uses under zoning restrictions so they can use the additional space for disabled access improvements without becoming an unpermitted use in such areas or requiring a conditional use authorization.