DEPARTMENT OF PUBLIC WORKS

ORDER NO. 169,271

SUBSIDEWALK BASEMENT ABATEMENT PROCEDURE FOR CURB RAMP INSTALLATION

The Department of Public Works (DPW) installs curb ramps to provide accessibility for pedestrians with disabilities. The Codes and Regulations requiring the installation of curb ramps are California Government Code 4450, California Code of Regulations Title 24, and the Federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) Title II and Title III.

The Department of Public Works has granted private property owners the right through encroachment permits to occupy public rights-of-way with subsidewalk basements. A subsidewalk basement is part of a building structure under the San Francisco Building Code 4503.

DPW Order No. 169,270 establishes a departmental policy on curb ramp installation priorities. Based on that policy, if it has been determined that a curb ramp needs to be constructed at a location and the location is over a subsidewalk basement, it is the responsibility of the private property owner to structurally alter his/her subsidewalk basement to construct a curb ramp.

This procedure establishes guidelines by which DPW and other City agencies will notify property owners to construct curb ramps over subsidewalk basements.


Recommended:

Donald Munakata, Chief
Bureau of Engineering

Approved:

Robert T. Cockburn, Deputy Director for Engineering and City Engineer

cc: Department Files (2)
    Deputy Director & City Engineer File (1)
    Bureau of Engineering File (1)
    Civil Engineering Division File (1)
    DPW Disability Access Coordinator

Approved: November 15, 1995
THE ABATEMENT PROCESS

Abatement process for sub-sidewalk basements.

The Abatement Process generally occurs when the property owner refuses to repair an unsafe condition on their property. The City makes the necessary repairs for the property owner and charges them for the work.

- First notice is sent out to the property owner requesting that the unsafe condition on their property be repaired.

- Property owner refuses to make the necessary repairs

- Second notice is sent out to the property owner requesting that the unsafe condition on their property be repaired.

- Property owner refuses to make the necessary repairs

- BSSM's Street Use Inspections is referred to for inspection after the property owner has not repaired the unsafe condition.

- BSSM's Street Use Inspections goes out to the site and determines what necessary repairs are required.

- If repairs are required, Street Use inspections engages a City Contractor to perform the work.

- City Contractor makes the necessary repairs.
<table>
<thead>
<tr>
<th>Date</th>
<th>Property Owner</th>
<th>Address</th>
<th>Block</th>
<th>Lot</th>
<th>Filing Date</th>
<th>Notice Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/02</td>
<td>2 Golden Gate Theatre</td>
<td>Golden Gate Theatre Compa</td>
<td>2-101</td>
<td>2</td>
<td>7/02</td>
<td>First notice sent to Property Owner (30 days notice)</td>
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<tr>
<td>5/03</td>
<td>Shell Selo</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>5/03</td>
<td>Property Owner pays for work (check box)</td>
<td></td>
</tr>
<tr>
<td>6/03</td>
<td>Shell Selo</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>6/03</td>
<td>Second notice sent to property Owner (60 days notice)</td>
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<tr>
<td>7/03</td>
<td>Shell Selo</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>7/03</td>
<td>Owner refuses to make necessary repairs (check box)</td>
<td></td>
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<tr>
<td>8/03</td>
<td>Shell Selo</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>8/03</td>
<td>She referred to BSSW Street Use Inspections (SUI) for Inspection</td>
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<td>9/03</td>
<td>Shell Selo</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>9/03</td>
<td>SUI determines necessary repairs</td>
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<td>10/03</td>
<td>Shell Selo</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>10/03</td>
<td>SUI engages City Contractor to perform work</td>
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<td>11/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>11/03</td>
<td>City Contractor makes necessary repairs</td>
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<td>12/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>12/03</td>
<td>SUI checks that work is done properly</td>
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<td>1/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>1/03</td>
<td>SUI pays City Contractor if work is acceptable</td>
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<td>2/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>2/03</td>
<td>SUI sends bill to Property Owner for work done</td>
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<td>3/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
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<td>3/03</td>
<td>Owner refuses to pay bill - An Intent to place Lien on property is set</td>
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<td>4/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>4/03</td>
<td>Petition sent to Board of Supervisors to place Lien on property</td>
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<tr>
<td>5/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>5/03</td>
<td>Owner performs necessary repairs (check box)</td>
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<tr>
<td>6/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>6/03</td>
<td>Owner pays City Contractor's bill for work done (check box)</td>
<td></td>
</tr>
<tr>
<td>7/03</td>
<td>City Contractor</td>
<td>245 4th St, Burlingame CA 94010</td>
<td>2-101</td>
<td>2</td>
<td>7/03</td>
<td>Completion care - Curb Ramp installed</td>
<td></td>
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</tbody>
</table>
Sub-Sidewalk Basement Abatement Procedure For Curb Ramp Installation

Public request, claim, complaint or City project triggers curb ramp investigation

Site review discovers a need to construct or reconstruct a curb ramp over existing sub-sidewalk basement

YES

DPW sends letter to property owner giving notice to take the following action:
1) Reconstruct sub-sidewalk basement roof slab and construct curb ramp; or
2) Vacate the sub-sidewalk basement, secure appropriate permits, backfill to code, and construct code complying curb ramp. Property owner has 30 days to apply for permits and 60-days after issuance of permits to complete the work.

YES

Property owner complies

NO

NO

DPW decides if this is an access or encroachment issue

ENCROACHMENT

ACCESS

NO

DPW proceeds to build curb ramp and bills property owner

YES

Property owner pays the bill

NO

Property owner appeals to the Board of Supervisors

YES

Board of Supervisors affirms staff

NO

Property owner

NO

NO

Director affirms staff recommendations

NO

NO

Property owner appeals

YES

Access Appeals Commission affirms staff recommendations

NO

NO

Property owner
Exhibit "A"
Dated: November 15, 1995
DPW ORDER # 169 271

1. Decision
   - YES: Property owner pays the bill
     - NO: Tax lien placed on property

2. Constructs curb ramp
   - NO: DBI refers matter to DBI for abatement
     - YES: DBI orders work done in public right-of-way. Matter sent to City Attorney for legal action (abatement) against property owner

END