ACCESSIBLE BUSINESS
ENTRANCE PROGRAM (ABE)
Overview of Required Forms and Technical
Infeasibility & Unreasonable Hardship Process
First Step to Compliance

• Complete one of the three forms to comply with the Program:
  – Pre-Screening
  – Waiver
  – Category Checklist Compliance (CCC)

Program Objective:
– To help people with disabilities gain greater access into San Francisco businesses.
– Requires property owners to make their primary entrance(s) accessible to people with disabilities.
Exempt Buildings Include

1. Newly constructed buildings with a building permit application (Form #1/2) filed on or after January 1, 2002 do not need to comply with this Ordinance.

2. Religious organizations

3. “Bona fide” private clubs

4. Facilities which are not a place of public accommodation

If building is exempt, owner will need to complete and submit a Pre-Screening Form to DBI for compliance. Once received, you are done with the Program.
Waived Buildings Include:

1. Permit was issued and work completed that demonstrates all primary entries and accessible entrance routes comply with the 1998 CBC or a later SFBC.

2. The building is within the scope of Chapter 4D of the Existing Building Code, which mandates earthquake retrofit of certain existing Wood-Frame Buildings.

3. The building or portion thereof was altered, or is proposed to be altered, under a permit application filed on or after the effective date of this Chapter 11D.

If building falls under one of the categories listed here, owner will need to complete and submit a Waiver Form to DBI for compliance. Once received, you are done with the Program.
Next Steps if Building is **NOT** Exempt or Waived

1. **HIRE** a CASp or licensed design professional **TO** COMPLETE AND SUBMIT DBI’S CATEGORY COMPLIANCE (CCC) FORM.

2. Once your form is accepted by DBI, you will have **COMPLIED WITH THIS FIRST DEADLINE**.

3. Once your building is placed in a compliance **building category from two to four (Category 1 buildings not included), FOLLOW THE DEADLINE SCHEDULE TO ENSURE PROGRAM COMPLIANCE.**

**NOTE:** For properties that fall under compliance category 2, 3 or 4, please consult with Planning and/or Public Works (as required) prior to submitting your permit application.
In-Review: Which Form Do I Need To Fill Out?

**Review the Pre-Screening Form (Attachment A1).**
Do you fall under one of the exemptions?

- **Yes**
  - Owner/Agent complete Attachment A1 and submit form to DBI
  - Done! You have complied with the Program

- **No**
  - **Review the Waiver Form (Attachment A2).**
    Do you fall under one of the listed waivers?
  
    - **Yes**
      - Owner/Agent complete Attachment A2 and submit form to DBI
      - Done! You have complied with the Program.
    
    - **No**
      - Hire a licensed design professional or CASp to review and complete the Category Checklist Compliance Form (Attachment B) and submit to DBI.
      - Except for Category 1 buildings, proceed with the building permitting process according to the compliance schedule in Table 1107D.
OVERVIEW PROCESS:
TECHNICAL INFEASIBILITIES & UNREASONABLE HARDSHIPS
Structural Technical Infeasibility

An existing condition of the building where full compliance would require the removal or alteration of a load bearing structural element that is an essential part of the structural frame.

LEFT: The column supporting the corner of the building is part of the building’s primary structural frame.

RIGHT: The existing garage does not have the required ceiling height of 98 inches.
Non-Structural Technical Infeasibility

An existing conditions where full compliance would require encroaching into the required egress width, interfering with pedestrian use of the sidewalk or a permanent easement, and similar conditions that do not impact the structural elements or frame.

If behind this entry is a set of stairs that leads to a place of public accommodation, it may be a Non-Structural Technical Infeasibility.
Unreasonable Hardship

When compliance with the building standard will make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following:
1. Cost of providing access
2. Cost of all construction contemplated
3. Impact of proposed improvements on financial feasibility of the project
4. The nature of the accessibility which would be gained or lost
5. The nature of the use of the facility under construction and its availability to persons with disabilities

This entry may qualify for an unreasonable hardship. It has:
- Limited space for compliance
- No room for a chair lift.
- Non conforming steps down
Equivalent Facilitation

An Equivalent Facilitation is the use or designs, products or technologies as alternatives to those prescribed, resulting in substantially equivalent or greater accessibility and usability.

NOTE: In determining equivalent facilitation, consideration shall be given to means that provide for the maximum independence of persons with disabilities while presenting the least risk of harm, injury or other hazard to such persons or others.
Approval Received from DBI and/or AAC

1. If you believe that your entrance qualifies under a Technical Infeasibility or Unreasonable Hardship, your Inspector will need to file permit application with DBI and document how the business will meet accessibility requirements in another way.

2. Once a Technical Infeasibility or Unreasonable Hardship is approved by DBI, it may need to be approved by the AAC, as well.

<table>
<thead>
<tr>
<th>Type</th>
<th>Required Steps</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural Technical Infeasibility</td>
<td>Review &amp; approve</td>
<td>DBI</td>
</tr>
<tr>
<td>Non-Structural Technical Infeasibility</td>
<td>Review &amp; approve</td>
<td>DBI and then AAC</td>
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<tr>
<td>Unreasonable Hardships</td>
<td>Review &amp; approve</td>
<td>DBI and then AAC</td>
</tr>
<tr>
<td>Equivalent Facilitation</td>
<td>Review &amp; approve</td>
<td>DBI (may require AAC approval)</td>
</tr>
</tbody>
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Asking for an Extension

• The ordinance allows for extensions due to reasonable delay.
• You may request for an extension of 6-months from DBI. Further extensions can be granted by the AAC.
• Extensions cannot go beyond six years from the effective date of the ordinance.
Contact List

- **Program Administrator**
  - Issues permit, conducts plan review, inspection and enforce compliance
  - Building Inspection

- **Historic Preservation**
  - Guidelines to modify historic buildings
  - T: (415) 575-8765
  - sfplanning.org
  - SF Planning

- **Public Right of Way**
  - Alterations to public right of way (sidewalks/curbs)
  - T: (415) 554-5810
  - sfpublicworks.org
  - Public Works

- **Access Appeals Commission**
  - Reviews non-structural Technical Infeasibilities and Unreasonable Hardship requests

- **Small business resource**
  - Resources on ADA/accessibility requirements
  - T: (415) 554-6134
  - sfosb.org
  - Office of Small Business

- **Mayor’s Office on Disability**
  - Assists with coordination of ABE efforts and provides technical expertise related to ADA Title II
  - T: (415) 554-6134
  - sfgov.org/mod

DBI is ABE Program Administrator

**Website:** sfdbi.org/business entrance

**Visit:** 1660 Mission Street, 1st Floor

**Window #8**

**Call:** 415-558-6128

**Email:** dbi.businessendance@sfgov.org
THANK YOU!
Program Forms & Guidelines

- Available on DBI’s website at www.sfdbi.org/businessentrance
  1. Information Sheet DA-17
  2. Pre-Screening Form
  3. Waiver Form
  4. Category Checklist Compliance Form
  5. Technical Specifications Guidelines with SF Planning’s Checklist

*Available in English, Chinese, and Spanish*
Categories 1 and 2

Category 1 - Building entrance has no steps and is compliant with the requirements of the ordinance.

Category 2 - Building entrance has no steps, but there are barriers such as non-compliant hardware, door opening clear width, lack of maneuvering space and with sloped landings not exceeding 2% (1:48).
Categories 3 and 4

Category 3. Building entrance has one step.

Category 4. Building entrance with more than one step and/or other major barriers to the entry.