The Commission

The Access Appeals Commission (AAC) hears written appeals of action taken by the Department of Building Inspection (DBI) in their enforcement of disabled access and adaptability provisions of the California Building Code (CBC) and San Francisco Building Code (SFBC). These appeals include decisions made by DBI regarding Unreasonable Hardship Requests, Orders of Abatement pertaining to disabled access regulations, and DBI interpretations regarding disabled access and adaptability. For detailed information regarding the Commission refer to SFBC Section 105.3 and the Rules of the AAC.

The Commission is composed of five members appointed by the Building Inspection Commission. Two are persons with a physical disability, two are persons experienced in construction, and one is a member of the public.

Appeal Forms and Filing information (see attachments 1 through 5)

1) **Notice of Appeal** Appeals of decisions regarding Unreasonable Hardship Requests (UHR); including hardships granted or denied by the ordinance 16-51 compliance unit and Department of Building Inspection interpretations concerning disabled access issues;

2) **Notice of Appeal - Director’s Order of Abatement** Appeal of an Order of Abatement related to disabled access regulations.

3) **Accessible Business Entrance Program Request for Time Extension** Request for time extension for compliance with ordinance 16-51.

4) **Request for Approval of Technical Infeasibility** Request for approval of a technical infeasibility related to ordinance 16-51 that was not approved or denied by the compliance unit.

5) **Request for Approval of Equivalent Facilitation (alternate methods of offering goods and services)** Request for approval of an equivalent method of offering goods and services related to ordinance 16-51, accessible business entrance program that was not approved or was denied by the compliance unit that was proposed in connection with a technical infeasibility or as part of an unreasonable hardship request.

The attached appeal forms and filing information packages include a detailed description of each appeal form, meeting times, location of hearings, deadlines for filing appeals, fees, appeal package instructions, required documentation, and other relevant information. Contact the Secretary to the AAC if you have any questions.

**Department Representatives:**

Secretary – Thomas Fessler    Tel: (415) 575-6923
ACCESS APPEALS COMMISSION

1. Notice of Appeal

Appeal Form and Filing Information

Meeting Time and Hearing Location
The Access Appeals Commission meets on the second and fourth Wednesday of each month at 1:00 PM. Meetings are held at the City Hall, 1 Dr. Carlton B. Goodlett Way, 4th Floor, Room 416. A full-year schedule of meeting dates and submittal deadlines is attached. The Hearing Notice provides additional information regarding the accessible meeting policy, parking, and transportation.

Deadlines for Filing an Appeal or Request
The deadline for filing an appeal is 12:00 noon on the 19th calendar day prior to the hearing date. When the scheduled hearing is on a Wednesday, the deadline for submittals falls on a Friday. If a hearing is rescheduled for a Thursday due to a holiday, the Friday deadline will remain. A full-year schedule of meeting dates and submittal deadlines is attached. Contact the Department Representatives to the AAC Commission, if you need assistance in filing your appeal and/or to schedule an appointment if you would like your appeal reviewed prior to submittal.

Fees
A filing fee of $374.00 per appeal is required per Section 110A & Table 1A-K, Item 6 of the San Francisco Building Code. Rehearing Requests are $100.00. Please make checks payable to the Department of Building Inspection. (Note: If a request for approval of Equivalent Facilitation is filed in conjunction with a request for Unreasonable Hardship, this will be considered on appeal and only one fee will be required.) If an appellant declares that he/she is indigent and cannot afford the filing fee, a waiver may be granted. To file for such a waiver, please contact the Department Representatives. (See also Re-hearings / Denial of Appeal pg. 3)

Filing an Appeal
The Access Appeals Commission Information guide and appeal forms are available at the Customer Services Division - 1st Floor, and the Disabled Access Section- 1st Floor at the San Francisco Permit Center building, 1660 Mission Street. The Customer Services Division desk is located on your left as you enter the 1st floor.

The appeals package must consist of eight individually bound notebooks (81/2"x11" –maximum size) with all of the information listed below. These copies will be distributed to each of the Commissioners. One copy is kept on file with the Secretary to the Commission for review by members of the public as requested. In addition to written appeals, an electronic version of the appeal shall be submitted to department representatives.

An appeals package must be filed in person or on or before the stated deadlines - with no exceptions. The Department of Building Inspection staff will generally only evaluate the appeal package for completeness but may also review for content. Contact the Secretary to the Commission for an appointment if you would like your appeal reviewed prior to submittal or for assistance in filing the appeal.

Submit appeals in person to the attention of:

    Secretary to the Access Appeals Commission
    San Francisco Department of Building Inspection
    Technical Services Division
    1660 Mission Street, 1st Floor
    San Francisco, CA 94103
Unreasonable Hardship Request

The Unreasonable Hardship Request (UHR) form is the basis for review and approval of exceptions to the disabled access requirements in the California Building Code (CBC) and San Francisco Building Code (SFBC). All UHRs must first be reviewed by the Plan Review Service Division before they can be appealed to the Access Appeals Commission. The UHR form must be filed with a building permit application and plans. After review by the Plan Review Service Division, the plan checker will grant an approval that requires ratification by the AAC or deny the hardship request. A denial may be appealed to the AAC. Denials and ratifications are the primary basis for appeal to the AAC. Contact the Plan Review Service Division or the Secretary to the AAC for any questions regarding the Unreasonable Hardship Request form.

Building Permit Applications, Appeal Format, and Required Documentation

A permit application with plans must be filed and reviewed prior to the filing of an appeal. If a building permit has already been issued, and/or an Unreasonable Hardship Request item is identified while the project is under construction, it may be necessary to file a new building permit application to revise the issued building permit for the purpose of making an appeal. A copy of both permit applications should then be included in the appeal package.

Each appeal package must include items 1 through 8 in the order noted below. Failure to include this documentation may result in an appeal being rejected for incompleteness.

1) The cover or first sheet of the package which clearly lists:
   a. The property address
   b. The business or common name
   c. The name, address, phone number & email of the persons making the appeal
   d. The name of the contact person at the site
   e. The times the site may be visited

2) A completed Notice of Appeal form. A blank copy of this form is included as part of this information package.

3) A copy of the permit application form both front and back which was filed and reviewed by the Department for the project under appeal.

4) A copy of the Unreasonable Hardship Request (UHR) form. The UHR must be filed with a permit application and denied, or approved with ratification required, prior to making an appeal before the Commission. The UHR must be reviewed and signed by the plan checker responsible for reviewing your plans, their immediate supervisor and the manager of the Plan Review Service division. Whenever a plan checker denies the UHR or requires ratification, the UHR should cite the code section that is the basis for that denial or ratification. Supporting documentation, such as estimates of construction costs, etc., must be attached as part of this form.

5) Copies of Department of Building Inspection correspondence. This includes any Notice of Violation, Correction Notices, and Plan Review comments etc., which address the specific decisions made by the Department and under appeal before the Commission.

6) A written narrative which cites the applicable code sections. This is item #5 on the Notice of Appeal form. This narrative should state:
   a. the specific code section which you are appealing;
   b. the cost of providing the access which you are appealing;
   c. the cost of all construction contemplated;
   d. the impact of proposed improvements on the financial feasibility of the project;
   e. the nature of the accessibility that would be gained or lost;
   f. additional reasons why the Commission should grant your appeal.

7) Verification cost breakdown. Submit verification of the cost of all construction and/or path of travel accessibility upgrades in question. Please submit more than one estimate (three preferred). These estimates must be signed by a responsible party such as a contractor or design professional.

8) Relevant plans. These must be the same as the plans reviewed by the Department. The plans shall be reduced to 11”x17” (maximum) and bound as part of the appeal package. The submittal of full size plan sheets is not prohibited, however, each full size sheet should merely clarify what is in the package. It should not be a stand-alone document.
Optional Information

Artist renderings, photos, or reproductions of photos, may be included in the appeal and often serve to illustrate existing conditions which may be difficult to describe. An appeal package may also include any other information which helps to document the unreasonable hardship or describe the proposal for equivalent facilitation. Manufacturers specification sheets or pamphlets are often much more detailed and descriptive than plans and should be included whenever possible for wheelchair lift proposals.

Site Visits/Meetings

Site visits, other than those by Department Staff or individual commissioners, are sometimes requested by the Commission when an appeal is particularly large or complex. These site visits are considered Special Meetings under the SF Sunshine Ordinance and require a 15-day advance public notice. The public notice delay often requires two commission meetings to reach a decision in an appeal case. If you anticipate that your case would require a site visit/meeting by the commission, contact the Secretary to the Commission, either prior to or at the time of the meeting.

Confirmation of Hearing and Notice of Decision

After filing an appeal, a Notice of Hearing will be sent to the appellant approximately one week prior to the hearing. The Notice of Hearing will be accompanied by the meeting Agenda which contains a brief description of the appeal. When a decision on the appeal is made by the Commission, a written documentation of this decision, known as a Notice of Decision, will be issued approximately one week later.

Rehearing / Denial of Appeal

The commission may rehear an appeal upon which a decision has been rendered upon the motion of a member of the Commission and the affirmative vote of at least three of its members, provided a request for rehearing has been made in writing within 10 days of the date of the decision. S.F. Building Code Section 105A.3.4.1. The filing fee for a rehearing request is $100.00.

Finality

All decisions are final as to the Department in the absence of fraud or prejudicial abuse of discretion. S.F. Building Code Section 105A.3.3

Tax Information

There may be federal business tax incentives for the work involved. See Internal Revenue Service, Publication 907.
ACCESS APPEALS COMMISSION

1. Notice of Appeal

1. Site Address: ________________________________

2. Permit Application No.: __________________________

3. Appellants Name: (print) ____________________________  ( ) Owner ( ) Tenant ( ) Agent

The undersigned hereby appeals to the Access Appeals Commission a decision or action taken by the Department of Building Inspection in their enforcement of the California Code of Regulations, Title 24.

Note: An Unreasonable Hardship Request must be completed, reviewed, and signed by the plan reviewer or building inspector prior to submitting this appeal. Contact the Secretary to the Commission for additional details.

4. Description of the specific accessible feature which will not be provided. Include the appropriate Code Section: (Provide attachments as necessary)

5. On a separate attached sheet state the following: a) The nature or use of the property including a brief description of the entire building, including the occupancy classifications of all other tenants; b) The specific code section which you are appealing; c) The specific code sections on which you base your appeal; d) The arguments supporting your appeal; e) Why you believe there is an unreasonable hardship to provide the access feature under appeal; f) What equivalent facilitation, if any, you propose to provide; and, g) Any additional reasons why the Commission should grant your appeal.

6. Contact Name: ________________________________

7. Mailing Address: ________________________________

8. Phone No.: ________________________________ 9. Email: ________________________________

10. Signature: ________________________________  11. Date: ________________________________

IMPORTANT: Review the information Guide (Notice of Appeals) for detailed requirements concerning the filing of this appeal. Submit the appeal package in person to: Access Appeals Commission; S. F. Department of Building Inspection; 1660 Mission Street, 1st Floor; San Francisco, CA 94103
ACCESS APPEALS COMMISSION
2020 Regular Meetings and Submittal Dates

MEETING LOCATION: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94103
NOTE: Please refer to the AAC Information Guide for additional information.

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>SUBMITTAL DEADLINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday, January 08, 2020 - 1 P.M.</td>
<td>Friday, December 20, 2019 – NOON</td>
</tr>
<tr>
<td>Wednesday, January 22, 2020 - 1 P.M.</td>
<td>Friday, January 3, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, February 12, 2020 - 1 P.M.</td>
<td>Friday, January 24, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, February 26, 2020 - 1 P.M.</td>
<td>Friday, February 7, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, March 11, 2020- 1 P.M.</td>
<td>Friday, February 21, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, March 25, 2020 - 1 P.M.</td>
<td>Friday, March 6, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, April 8, 2020 - 1 P.M.</td>
<td>Friday, March 20, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, April 22, 2020 - 1 P.M.</td>
<td>Friday, April 3, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, May 13, 2020 - 1 P.M.</td>
<td>Friday, April 24, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, May 27, 2020 - 1 P. M.</td>
<td>Friday, May 8, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, June 10, 2020 - 1 P.M.</td>
<td>Friday, May 22, 2020- NOON</td>
</tr>
<tr>
<td>Wednesday, June 24, 2020 - 1 P.M.</td>
<td>Friday, June 5, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, July 8, 2020 - 1 P.M.</td>
<td>Friday, June 19, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, July 22, 2020 - 1 P.M.</td>
<td>Friday, July 3, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, August 12, 2020 - 1 P.M.</td>
<td>Friday, July 24, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, August 26, 2020 - 1 P.M.</td>
<td>Friday, August 7, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, September 9, 2020 - 1 P.M.</td>
<td>Friday, August 21, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, September 23, 2020 - 1 P.M.</td>
<td>Friday, September 4, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, October 14, 2020 - 1 P.M.</td>
<td>Friday, September 25, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, October 28, 2020 - 1 P.M.</td>
<td>Friday, October 9, 2020 - NOON</td>
</tr>
<tr>
<td>Thursday, November 12, 2020 - 1 P.M.*</td>
<td>Friday, October 23, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, November 25, 2020 - 1 P.M.</td>
<td>Friday, November 6, 2020 - NOON</td>
</tr>
<tr>
<td>Wednesday, December 9, 2020 - 1 P.M.</td>
<td>Friday, November 20, 2020 – NOON</td>
</tr>
<tr>
<td>Wednesday, December 23, 2020 - 1 P.M.</td>
<td>Friday, December 4, 2020 - NOON</td>
</tr>
</tbody>
</table>

*Date altered due to holiday