ACCESSIBLE BUSINESS ENTRANCE PROGRAM (ABE)
July 16, 2018
Portsmouth Square Clubhouse
Agenda

1. Program Overview and Interdepartmental Partners’ Roles
2. Completing either the Pre-Screening, Waiver Form, or Category Checklist Compliance Form
3. Understanding the Building Permitting Process
4. Technical Infeasibilities and Unreasonable Hardships
5. Resources, Forms, and Contacts
Ordinance No. 51-16, requires property and business owners to make all primary entrances from the public way to their business accessible for people with disabilities (place of “public accommodation”).

A Place of Public Accommodation is generally a business where the public will enter the building to obtain goods and services [e.g. office building, etc.]

Places of accommodation include:
- Banks
- Day Care Centers
- Health Clubs
- Hotels
- Offices
- Repair Shops
- Restaurants / Bars
- Nail Salons
- Grocery Stores
- Laundromats

Responsibility for compliance to this ordinance falls on the property owner.
Path of Travel (202.4)
### Partnering Agencies’ Roles

<table>
<thead>
<tr>
<th>Agency</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Inspection</td>
<td>• Program Administrator</td>
</tr>
<tr>
<td>SF Planning</td>
<td>• Storefront Changes</td>
</tr>
<tr>
<td>Public Works</td>
<td>• Sidewalk</td>
</tr>
<tr>
<td>Access Appeals Commission</td>
<td>• Technical Infeasibilities/Unreasonable Hardships</td>
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<tr>
<td>Office of Small Business</td>
<td>• Small Business Resource</td>
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<tr>
<td>Mayor’s Office on Disability</td>
<td>• Technical Expertise Relating to ADA Title II</td>
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</table>
Steps to Program Compliance

**STEP 1**
- Determine if building is subject to the Program by visiting website page at sfdbi.org/businessentrance
- If exempt, then complete the Pre-Screening Form (Attachment A1) and email the form to submit to DBI.

**STEP 2**
- If not exempt, see if your place of public accommodation can be “waived” by reviewing the “Waiver Form” (Attachment A2).
- If waived, then complete the Waiver Form (Attachment A2) and submit to DBI.

**STEP 3**
- If not “exempt” or “waived” have a licensed architect, licensed engineer, or Certified Access Specialist (CASp) review and complete and submit the Category Checklist Compliance Form (Attachment B) to DBI.

**STEP 4**
- File application for building permit(s) by deadline
  - Note: If necessary, please consult Planning and/or Public Works prior to filing your permit.

**STEP 5**
- Obtain building permit(s) by deadline. Complete permitted work and schedule inspections to receive a Certificate of Final Completion (CFC) as required.

For Categories 2 to 4: CASp or licensed design professional will propose barrier remediation.
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Submit Category Checklist</th>
<th>File Application for Building Permit(s)</th>
<th>Obtain Building Permit(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>In compliance, no steps and no barriers</td>
<td>January 1, 2019</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Category 2</td>
<td>No steps, has minor barriers</td>
<td>January 1, 2019</td>
<td>April 1, 2019</td>
<td>April 1, 2020</td>
</tr>
<tr>
<td>Category 3</td>
<td>One step</td>
<td>June 1, 2019</td>
<td>September 1, 2019</td>
<td>September 1, 2020</td>
</tr>
<tr>
<td>Category 4</td>
<td>More than one step and/or other major barriers</td>
<td>December 1, 2019</td>
<td>March 1, 2020</td>
<td>March 1, 2021</td>
</tr>
</tbody>
</table>

*Effective June 1st, 2018*
Exempt Buildings Include:

1. Newly constructed buildings with a building permit application (Form #1/2) filed on or after January 1, 2002
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.
## Waived Buildings Include:

1. **The building or portion thereof was constructed or altered under a permit application filed on or after 7/1/92, and prior to 1/1/02, and DBI gave final approval of the accessible entry work under the construction permit or alteration permits.**

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

3. **The building is within the scope of Chapter 4D of the Existing Building Code, which mandates earthquake retrofit of certain existing Wood-Frame Buildings, and the Owner elected pursuant to Section 1107D to comply with the requirements of this Chapter prior to the compliance deadlines in Table 1107D.**

4. **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 and the Owner elected pursuant to Section 1107D to comply with the requirements of this Chapter prior to the compliance deadlines in Table 1107D.**
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 Engineer or CASp to review and complete the Category Checklist Compliance Form (Attachment B) and submit to DBI.

Proceed with the building permitting process according to the compliance schedule in Table 1107D. Compliance is met when a CFC is obtained for the completed work.
Prior to Applying for Building Permit

• The Licensed Architect or Engineer should:
  – Gather input from DBI, Planning, and/or Public Works (as required).
  – Design front entry to current code (not to the Technical Specifications Guidelines).

• If requesting the use of any Technical Infeasibility or Unreasonable Hardship, now is the time to start collecting supporting documentation.
Planning’s Role: Alterations to Commercial Storefront Checklist

- Checklist: An Optional Tool to Provide Early Design Guidance
- Consultation with Preservation Planner at PIC after barrier removal scope identified by design professional.
- We will help you to:
  - Identify storefront features that may be affected by proposed barrier removal
  - Identify historic features and materials to be retained; suggest possible scope modifications

Things to Remember

- Planning does *not* review for compliance with ADA
- If modifications are required, any alterations should minimize the loss of historic material
- Historic properties may qualify for use of the California Historical Building Code and may be able to demonstrate other acceptable means to meeting accessibility requirements
- Complex projects or those properties subject to Article 10/11 may require intake for review
- Most plans should be able to be reviewed and approved over-the-counter
Sidewalk Pedestrian Throughway Zone = Accessible Route Along Sidewalk = Accessible Entrance Component for ABE compliance.

- Americans with Disabilities Act (ADA)
  - 2010 ADA Standards for Accessible Design, Entrance Defined: Section 106.5
  - Public Right of Way Guidelines (PROWAG)

- CA/SF Building Code
  - Entrance Defined: Section 202, Chapter 11B
  - SFDBI Information Sheet DA-04, Power Door Operator in Lieu of Level Landing at Door
  - SFDBI Information Sheet DA-05, Power Door Operator in Lieu of Side Clearance at Door
  - SFDBI Information Sheet DA-17, Accessible Building Entrance Program

- SF Public Works Code & Directors Orders
- SF Public Works Standard Plans and Specifications
- SF Public Works Sidewalk Improvement Permit
Sidewalk Pedestrian Throughway Zone (blue) = Accessible Route Along Sidewalk = Accessible Entrance Component for ABE compliance.
Public Works Requirements

Example – As Constructed
Public Works Requirements

Bad Example

High Cross-Slope in Sidewalk

No Accessible Route Along Sidewalk

Level Landing Provided at Door Only. Entrance Not Accessible

DA-04, Power Door Operator in Lieu of Level Landing at Door Should be Used
ABE Building Permit Process

Visit “Public Info Counter” with plans & permits application form

“Intake Counter” located on 5th floor will give direction to req’d stations

Planning (if req’d)

Public Works (if req’d)

Building (always req’d)

Pay for Permit; Permit Issued

Construction Starts

Obtain Final Inspection

Issuance of CFC

AAC (if req’d)

Inspection from Building/Plumbing/Electrical
Access Appeals Commission (AAC)
Review Process

• Prior to permit issuance, if your permit contains a non-structural technical infeasibility or unreasonable hardship request and has been approved by DBI, you will need to receive ratification from AAC on your approved plans.
• Please contact the Secretary of the AAC to be placed on the AAC's hearing schedule.
• Contact the Secretary of the AAC - Thomas.Fessler@sfgov.org, (415) 575-6923
Technical Infeasibilities and Unreasonable Hardships

- In situations where removing barriers to the building proves to be infeasible or unreasonable, the ordinance requires the OWNERS TO PROVIDE AN ALTERNATE METHOD.

<table>
<thead>
<tr>
<th>Type</th>
<th>Required Steps</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural Technical Infeasibility</td>
<td>Review and approve</td>
<td>DBI</td>
</tr>
<tr>
<td>Non-Structural Technical Infeasibility</td>
<td>Review and approve</td>
<td>DBI &amp; Access Appeals Commission</td>
</tr>
</tbody>
</table>
| Unreasonable Hardships            | 1. Review & approve  
2. Review & approve | 1. DBI  
2. Access Appeals Commission |
| Equivalent Facilitation           | Review DA 04 and DA 05              | DBI                               |
Structural & Non-Structural Technical Infeasibilities

**Structural:** 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.

**Non-Structural:** An existing condition 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.

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

**RIGHT:** 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

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.

**LEFT:** Front entry does not have the required side clearances required for an accessible entry.

**RIGHT:**
Front entry has power door operators in lieu of side clearances.
Resource Documents, Forms, & Guidelines

Resource Documents:

• **Information Sheet DA-02**: Disabled access upgrade compliance checklist package (For existing buildings only)
  - Form F: Projects that consist only of Barrier Removal, Notice of Accessibility Violation (NOV) Compliance, or Exempted Work.
  - Approval of Equivalent Facilitation Request (2 pages)
  - Approval of Technical Infeasibility Request
  - Unreasonable Hardship Request Form (2 pages)
    Equivalent Facilitation

• **Information Sheet DA-04**: The Use of Power Door Operators in Lieu of Level Landings at Doors

• **Information Sheet DA-05**: Use of Powered Door Operators in Lieu of Exterior and Interior Doors and Gates Side Clearances and Opening Force is Existing Buildings

Forms and Guidelines:

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

Visit https://sfdbi.org/businessentrance-resources for more information about any of these documents.
SF Office of Small Business

• Disability access resources and assistance for small businesses and property owners:
  – Database of CASp Inspectors Serving San Francisco
  – Tips for selecting a CASp
  – Laws that govern access requirements – Federal, State, Local

• Property owners who qualify as small businesses may be eligible for Federal and State disability access tax credits and deductions for making access improvements.

• For more information, visit: https://sfosb.org/ada-resources-your-small-business
DBI is ABE Program Administrator

Website: sfdbi.org/business entrance
Visit: 1660 Mission Street, 1st Floor
Window #8
Call: 415-558-6128
Email: dbi.businessentrance@sfgov.org
QUESTION & ANSWER

Thank you!

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Regina Dick-Endrizzi, OSB Executive Director
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