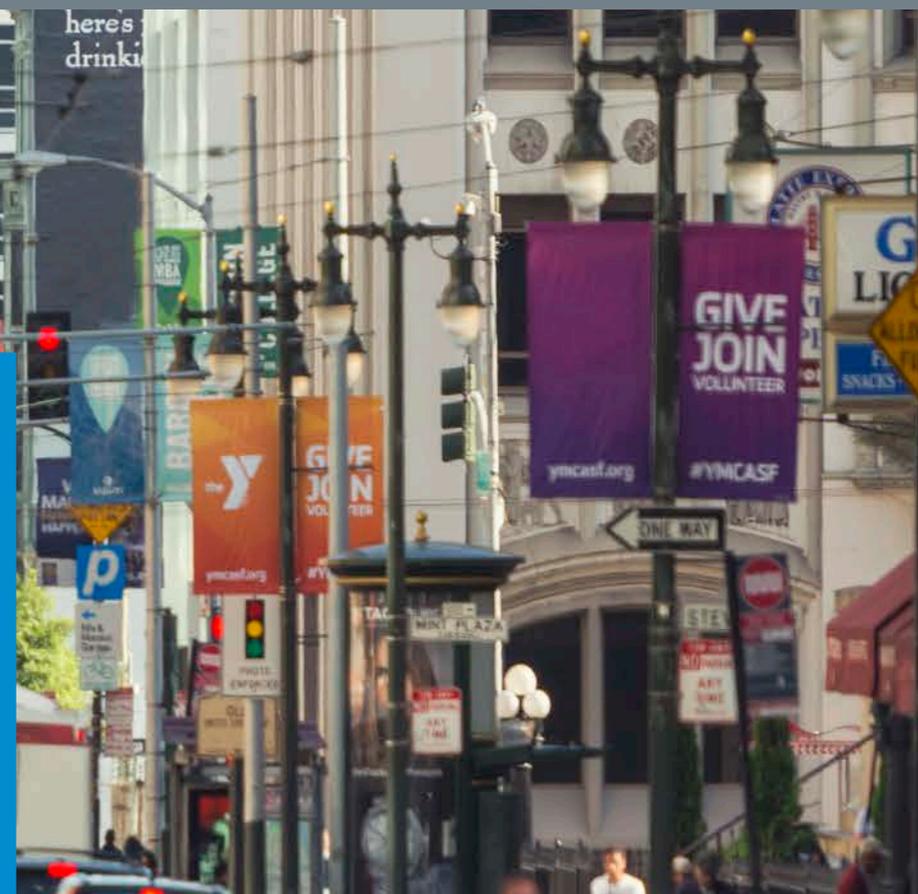




**ACCESSIBLE BUSINESS  
ENTRANCE PROGRAM (ABE)**  
*July 16, 2018*  
*Portsmouth Square Clubhouse*



# 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

# Background

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.]

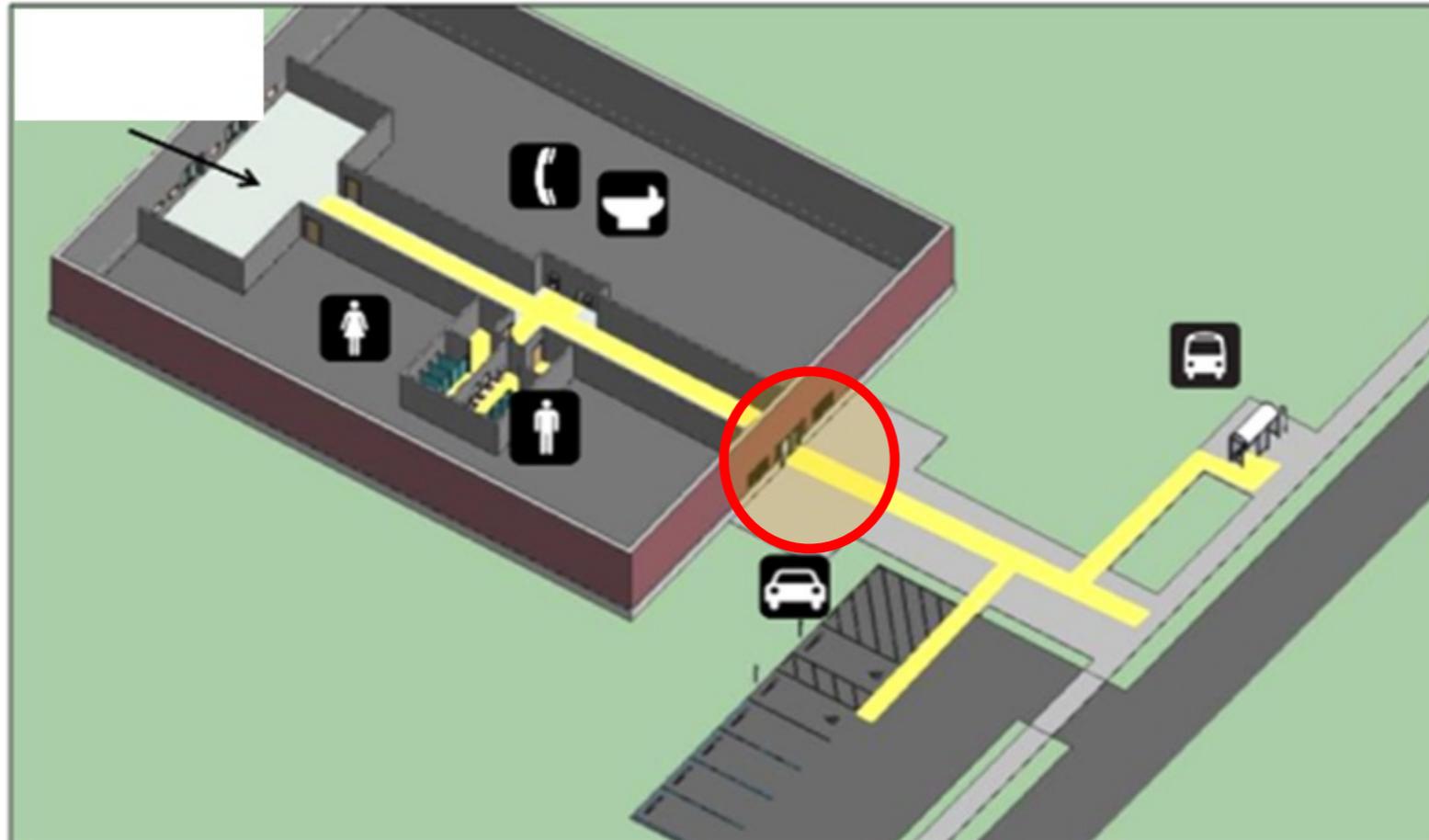
Places of accommodation include:

- 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.

# Applies to Primary Entrances

## Path of Travel (202.4)



Program applies to building's primary entrance(s)

# Partnering Agencies' Roles

Building Inspection

- Program Administrator

SF Planning

- Storefront Changes

Public Works

- Sidewalk

Access Appeals  
Commission

- Technical Infeasibilities/Unreasonable Hardships

Office of Small Business

- Small Business Resource

Mayor's Office on Disability

- Technical Expertise Relating to ADA Title II

# Steps to Program Compliance

## STEP 1

- Determine if building is subject to the Program by visiting website page at [sfdbi.org/businessentrance](http://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 1107D: Compliance Categories & Schedule

	Description	Submit Category Checklist	File Application for Building Permit(s)	Obtain Building Permit(s)
Category 1	In compliance, no steps and no barriers	January 1, 2019	N/A	N/A
Category 2	No steps, has minor barriers	January 1, 2019	April 1, 2019	April 1, 2020
Category 3	One step	June 1, 2019	September 1, 2019	September 1, 2020
Category 4	More than one step and/or other major barriers	December 1, 2019	March 1, 2020	March 1, 2021

*\*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

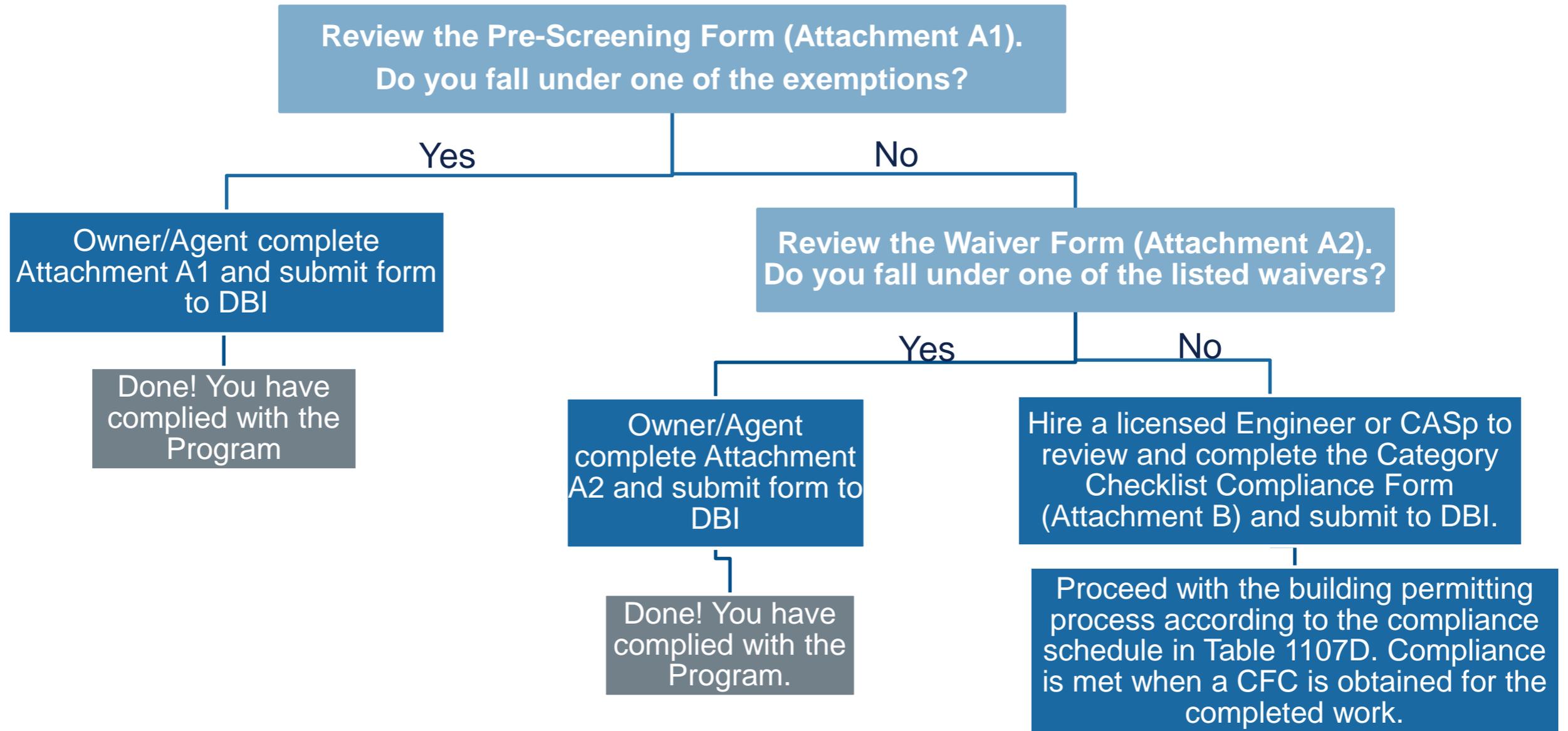
4. Facilities which are not a place of public accommodation

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?



# 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
- Checklist available at: <http://sf-planning.org/permit-forms-applications-and-fees>

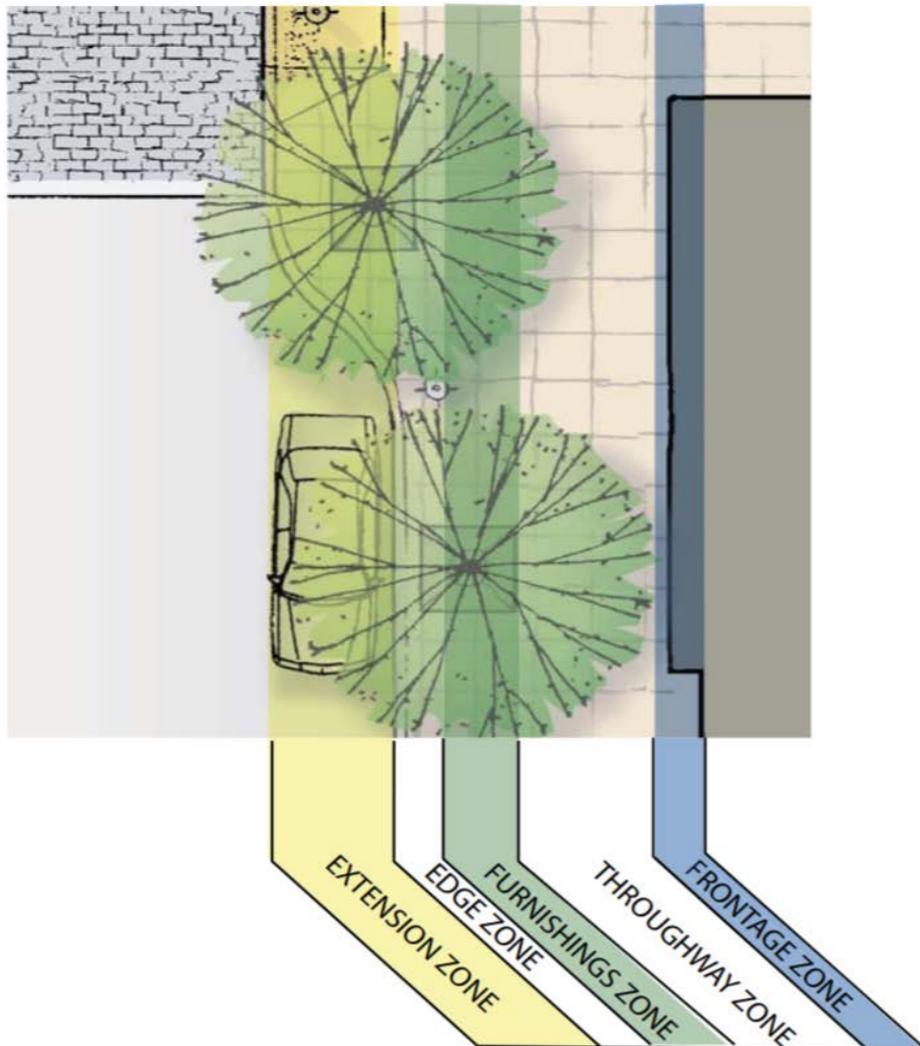


## Things to Remember

- 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

# Public Works Requirements

SF Better Streets Plan: [www.sfbetterstreets.org](http://www.sfbetterstreets.org)  
Sidewalk Zones (Plan View)

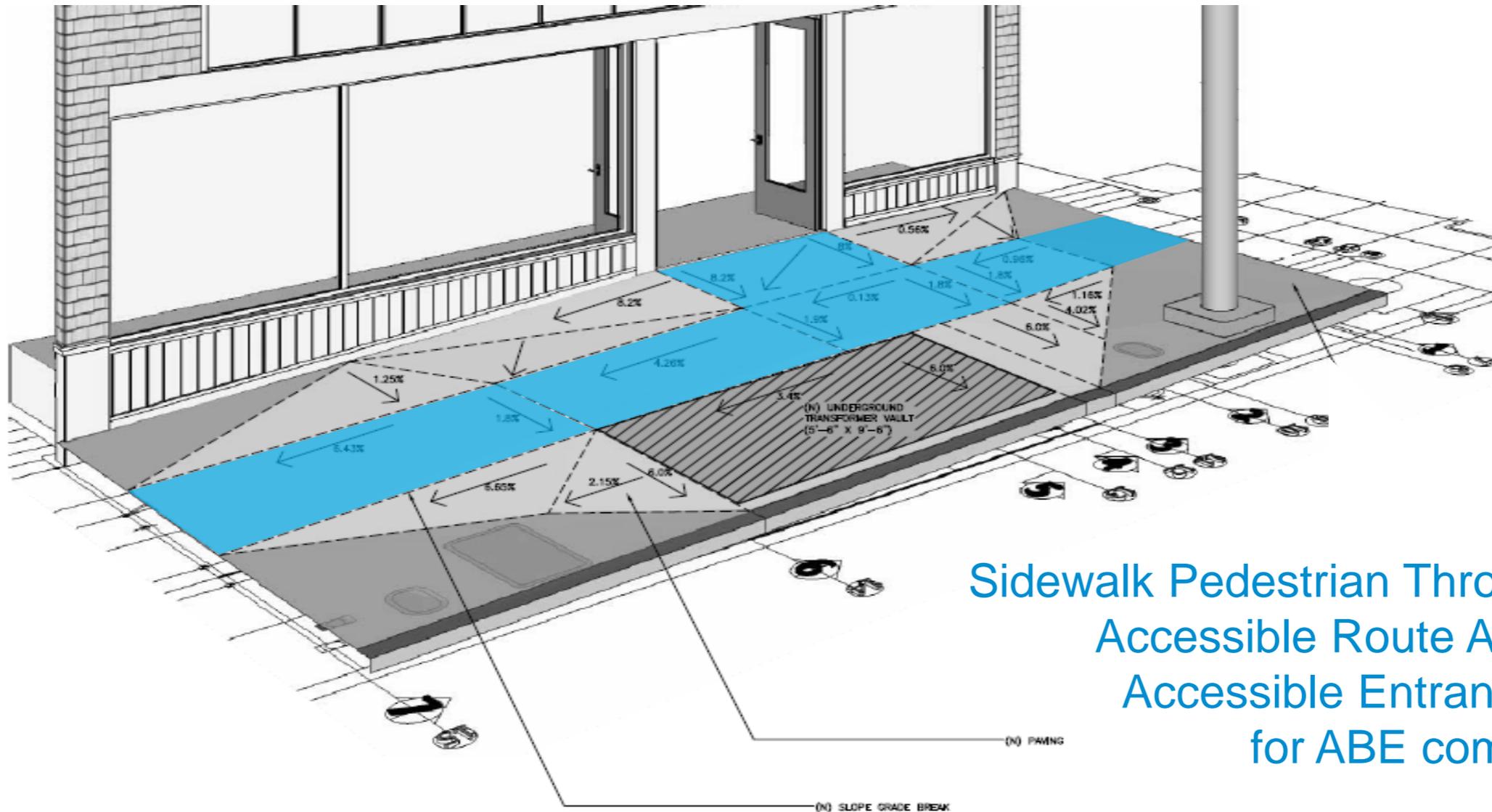


Sidewalk Pedestrian Throughway Zone = Accessible Route Along Sidewalk = Accessible Entrance Component for ABE compliance.

- 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

# Public Works Requirements

Example



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

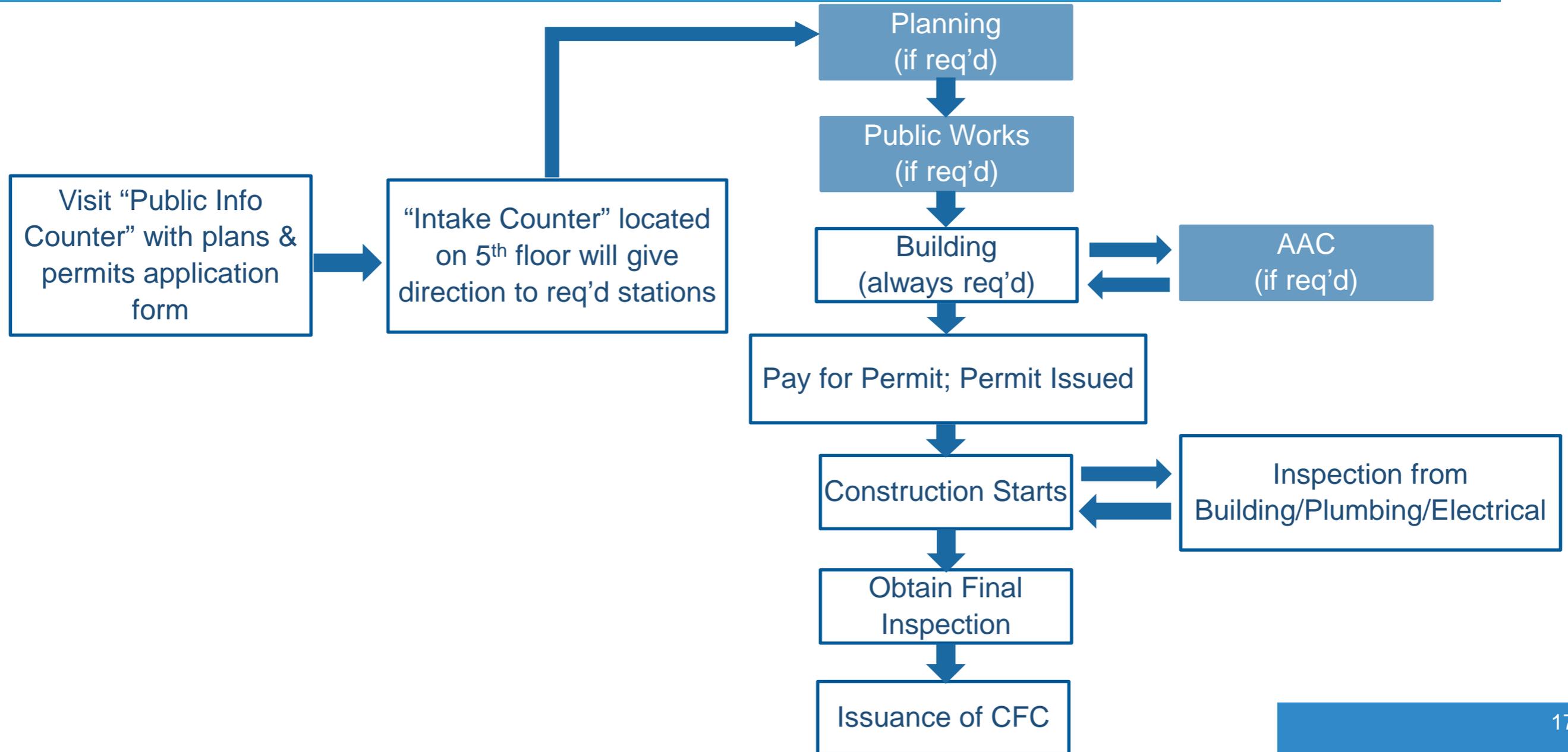
High Cross-Slope in Sidewalk

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



# 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.**

Type	Required Steps	Department
Structural Technical Infeasibility	Review and approve	DBI
Non-Structural Technical Infeasibility	Review and approve	DBI & Access Appeals Commission
Unreasonable Hardships	1. Review & approve 2. Review & approve	1. DBI 2. Access Appeals Commission
Equivalent Facilitation	Review DA 04 and DA 05	DBI

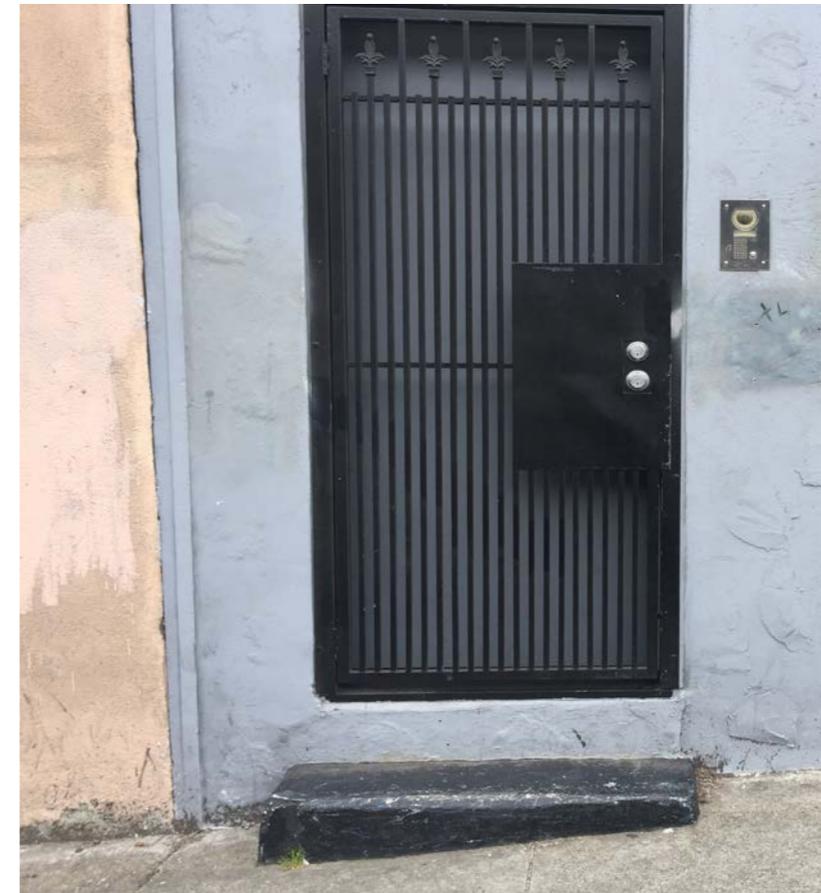
# Structural & Non-Structural Technical Infeasibilities

**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.



**LEFT:** The column supporting the corner of the building is part of the buildings 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.



**Non-Structural:** 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.

# 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

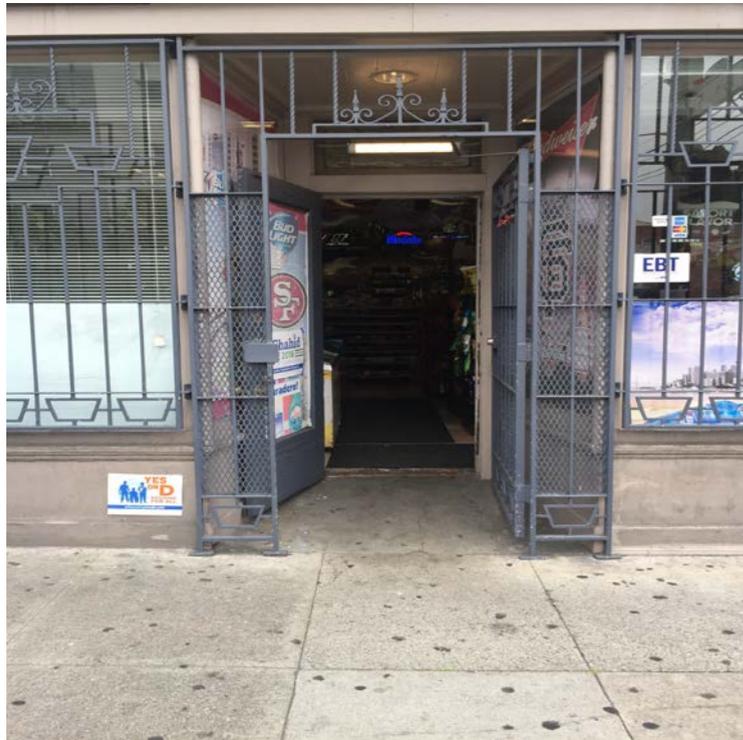


This entry may qualify for an unreasonable hardship. It has:

- 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 in 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>

# 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](http://sfplanning.org)

SF Planning



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

Public Works



- Reviews non-structural Technical Infeasibilities and Unreasonable Hardship requests

Access Appeals Commission



- Small business resource
- Resources on ADA/accessibility requirements
- T: (415 ) 554-6134
- [sfosb.org](http://sfosb.org)

Office of Small Business



- Assists with coordination of ABE efforts and provides technical expertise related to ADA Title II
- T: (415) 554-6134
- [sfgov.org/mod](http://sfgov.org/mod)

Mayor's Office on Disability



DBI is ABE Program Administrator

**Website:** [sfdbi.org/business\\_entrance](http://sfdbi.org/business_entrance)

**Visit:** 1660 Mission Street, 1st Floor Window #8

**Call:** 415-558-6128

**Email:** [dbi.businessentrance@sfgov.org](mailto:dbi.businessentrance@sfgov.org)

# **QUESTION & ANSWER**

## ***Thank you!***

*Thomas Fessler, DBI Senior Building Inspector*

[Thomas.fessler@sfgov.org](mailto:Thomas.fessler@sfgov.org)

*Kevin Jensen, PW ADA/Disability Access Coordinator*

[Kevin.Jensen@sfdpw.org](mailto:Kevin.Jensen@sfdpw.org)

*Regina Dick-Endrizzi, OSB Executive Director*

[regina.dick-endrizzi@sfgov.org](mailto:regina.dick-endrizzi@sfgov.org)



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