

## **ADMINISTRATIVE BULLETIN**

- NO. AB-013** : (Revision to bring bulletin into conformance with revisions to the State Historical Building Code, effective July 21, 1998.)
- DATE** : September 18, 2002 [Updated 01/01/0811 for code references.]
- SUBJECT** : Disabled Access
- TITLE** : **Application of Disabled Access Provisions to Historic Buildings**
- PURPOSE** : To establish policies and procedures for the application of the alternate provisions of the State Historical Building Code and to define appeal procedures from administrative decisions.
- REFERENCE** : State Historical Building Code, 200710 Edition, California Code of Regulations, Title 24, Part 8  
San Francisco Building Code, 200710 Edition;  
DBI Administrative Bulletin AB-028, Pre-application and Pre-addendum Plan Review Procedures
- DISCUSSION** : The intent of this bulletin is to establish procedures for qualified historic buildings and properties that allow project sponsors to request alternatives to the regular disabled access regulations through the application of the provisions of the State Historical Building Code.

Materials related to the application of alternative provisions must be provided by the project sponsor to the Department of Building Inspection for review of each specific request to apply the State Historical Building Code. Included must be complete documentation citing the appropriate code sections and providing the following information:

- Documentation that the building or property is a qualified historical building or property within the terms and definitions of the State Historical Building Code. Such qualification is to be in accordance with the policies and procedures developed by the Department of Building Inspection and the Planning Department.
- Information indicating how strict compliance with the disabled access provisions of the San Francisco Building Code would threaten or destroy the historic significance or character defining features of the building or property. Each specific item for which an exception is requested must be specifically identified and justified.
- A clear statement of each of the alternative(s) to be applied from the list of the State Historical Building Code, Sections 8-602 and 8-603. Note that the alternative provisions listed in the State Historical Building Code are not a comprehensive listing of all possible alternatives. The appellant may identify other reasonably equivalent alternatives to the regular code which would result in access to and use by persons with disabilities.
- Plans, photographs and other visual documentation for inclusion into the file so that the conditions are clearly understandable by reviewers.

The prevailing San Francisco Building Code provisions for disabled access apply to all buildings regardless of historical status unless it can be demonstrated on a case-by-case basis that compliance with the prevailing code would threaten or destroy the historical significance or character defining features of a building or property.

### **Procedure for Review**

1a. The building permit application and accompanying documentation proposing listed Alternate Provisions or equivalent facilitation shall be routed to the plan checker who would normally review the plans to determine if standard administrative approval of an unreasonable hardship request can be granted.

1b. Alternatively, a pre-application plan review meeting may be requested prior to permit submittal by the project sponsor to determine the applicability of Alternate Provisions or equivalent facilitation under the State Historical Building Code.

2. If standard administrative approval cannot be granted, the request for approval of the proposed Alternate Provisions or equivalent facilitation, along with accompanying supporting documentation, should be sent to the appropriate Plan Check Division Manager for review.

For those items which are not specifically listed as Alternate Provisions under Sections 8-602 and 8-603, documentation to be provided by the project sponsor to the Department of Building Inspection, Plan Check Services shall contain written documentation including the opinions and comments of representative local groups of persons with disabilities, persons knowledgeable about historic preservation, and other qualified individuals regarding the issue in question. Alternatively, or to supplement such comments, the Department of Building Inspection may hold its own public review with other representative persons with disabilities, in addition to other qualified persons, should it choose to do so. ~~The Department will select at least three such persons with disabilities from a list of qualified persons to be maintained by the Department.~~ Any person who meets the ADA definition of "disabled" may ~~request to have his/her name placed on this list~~ be represented for these purposes.

[Note: Under the ADA, an individual with a disability is a person who has a physical or mental impairment which substantially limits one or more of the person's major life activities; has a record of such an impairment; or is regarded as having such an impairment.]

Based on the information submitted, as well as other information available to the Department of Building Inspection from the Planning Department and other resources, an administrative decision will be issued by DBI approving or denying the request, or a request for additional information will be made within a reasonable period of time.

3. A disagreement with the decision of Department of Building Inspection staff may, on request, be reviewed through the supervisory chain, to the Director of the Department of Building Inspection. A project sponsor wishing to appeal the administrative decision of the Department of Building Inspection staff and Director may appeal to the Access Appeals Commission (AAC).

4. The appellant may appeal the decision of the AAC to the State Historical Building Safety Board. The subject of the appeal must first be determined by the State Historical Building Safety Board to be of statewide significance. This final administrative appeal is available to confirm that the local agency has rendered a decision which is consistent with statewide interpretations of the disabled access codes and the State Historical Building Code.

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Vivian L. Day, C.B.O.                               Date  
Director  
Department of Building Inspection

Approved by the Building Inspection Commission on September 18, 2002

Originally signed by:  
~~Frank Y. Chiu, Director~~  
~~October 3, 2002~~