

Special Meeting
of the
Building Inspection Commission
December 11, 2024
Agenda Item 4

Access Appeals Commission Functions & Processes

Building Inspection Commission

December 11, 2024

Background – Access Appeals Commission (AAC)

Established by San Francisco Building Code Section 105A.3.

Hears appeals of DBI decisions on the enforcement of disabled access and adaptability provisions of the code.

- May also make determinations on code equivalencies, technical infeasibility, unreasonable hardship, and time extensions.

Comprised of five members, each with a four-year term:

- Two members with a physical disability
- Two members with construction industry experience
- One member of the public

Background – Accessible Business Entrance

The Accessible Business Entrance (ABE) program was established by City ordinance in 2016 and is administered by the Department of Building Inspection.

The program requires places of public accommodation to have all primary entries and paths of travel into a building be accessible by persons with disabilities.



Background – Accessible Business Entrance

The ABE program has four building categories indicating the barriers to disability access

1. The primary entry already complies.
2. There are no steps to the primary entry and one or more elements of the entry do not comply with code requirements.
3. There is one step to the primary entry and one or more elements of the entry do not comply with code requirements.
4. The building has a primary entry with one or more steps and elements of the entry do not comply with code requirements.

Role of the AAC within the ABE Program

Buildings subject to the program can also file for exemptions, claiming equivalent facilitation, Technical Infeasibility, or Unreasonable Hardship, as defined in SFBC 1105D.1 through 1105D.3.

The AAC is involved in all exemption pathways, including setting standards for equivalent facilitation, ratifying non-structural Technical Infeasibility claims, and determining financial hardships.



The AAC must ratify all Unreasonable Hardship request approvals in San Francisco.

Process for Unreasonable Hardship Requests

To request an Unreasonable Hardship exemption

1. Hire Certified Access Specialist (CASp), architect or engineer to conduct evaluation and prepare Disabled Access Compliance Checklist.
2. CASp inspector submits the checklist and Unreasonable Hardship exemption form.
3. Prepare and submit a building permit application, cost estimates and construction plans to make the primary entrances accessible, as well as affordable alternatives to meet the spirit of the code.

Unreasonable Hardship Process

- ✓ CASp Inspection
- ✓ Submit checklist, permit application & building plans

Completeness check

Plan review

Plan revisions

Plan approval

DBI recommendation

Applicant files request with AAC, pays hearing fee

AAC ratification

Permit payment & issuance

Process for Unreasonable Hardship Requests

To request an Unreasonable Hardship exemption (continued)

4. DBI Intake Staff or the Permit Center confirms the application and submission materials are complete.
5. DBI accepts permit application, conducts plan review and provides comments to the architect / engineer / designer.
6. Architect, engineer or designer revise and resubmit application and plans.
7. Permit is approved by each relevant permitting departments, such as DBI, Planning Dept, DPW, Fire, etc...

Unreasonable Hardship Process

- ✓ CASp Inspection
- ✓ Submit checklist, permit application & building plans
- ✓ Completeness check
- ✓ Plan review
- ✓ Plan revisions
- ✓ Plan approval

DBI recommendation

Applicant files request with AAC, pays hearing fee

AAC ratification

Permit payment & issuance

Process for Unreasonable Hardship Requests

To request an Unreasonable Hardship exemption (continued)

8. DBI evaluates the unreasonable hardship supporting information and alternative accessibility methods and approves or denies the request; informs the applicant of the decision.
9. Applicant submits Unreasonable Hardship application or appeal and supporting documentation to the Access Appeals Commission. Pays appeal fee.
10. AAC Secretary works with design professional to verify the proposed accessibility improvements are readily achievable, and that financial information and cost estimates are accurate.

Unreasonable Hardship Process

- ✓ CASp Inspection
- ✓ Submit checklist, permit application & building plans
- ✓ Completeness check
- ✓ Plan review
- ✓ Plan revisions
- ✓ Plan approval
- ✓ DBI recommendation
- ✓ Applicant files request with AAC, pays hearing fee

AAC ratification

Permit payment & issuance

Process for Unreasonable Hardship Requests

To request an Unreasonable Hardship exemption (continued)

11. Item is put on the AAC agenda and a hearing is conducted where members may identify additional code alternatives to increase access. The design professional may need to revise plans to include any requirements for ratification.
12. AAC members vote to ratify or deny the Unreasonable Hardship Request or Appeal.
13. If necessary, the plans are resubmitted and evaluated in Plan Review, comments are issued and revisions may be required. Additional fees may apply.
14. Once approved, the applicant pays their final fees, the permit is issued and work may commence.

Unreasonable Hardship Process

- ✓ CASp Inspection
- ✓ Submit checklist, permit application & building plans
- ✓ Completeness check
- ✓ Plan review
- ✓ Plan revisions
- ✓ Plan approval
- ✓ DBI recommendation
- ✓ Applicant files request with AAC, pays hearing fee
- ✓ AAC ratification
- ✓ Permit payment & issuance

Current Unreasonable Hardship Requests

- 23,522 Buildings in the program
- 19,584 (83%) Started or completed the compliance process
- 404 (1.7%) Compliance checklist indicated an Unreasonable Hardship
- 137 (.6%) Applied for a permit
- 14 Included “Unreasonable Hardship” in permit application scope of work – 8 filed, 6 issued

Information Sheet DA-17

Note to CPB staff:

The following stamp shall be stamped on “description of work” on the building permit application form:

Technical Infeasibility or Unreasonable Hardship
for Accessible Business Entrance Program

CPB staff shall input the “description of work” in the PTS as follows:

“Documentation of request for Technical Infeasibility or Unreasonable Hardship for Accessible Business Entrance Program”

City and County of San Francisco
Department of Building Inspection

London N. Breed, Mayor
Patrick O'Riordan, C.B.O., Director

INFORMATION SHEET

NO. DA-17

DATE : March 10, 2022

CATEGORY : Disabled Access

SUBJECT : Accessible Business Entrance Program

REFERENCES :

- San Francisco Building Code (SIBC) Chapter 2, 11D
- 1998 California Building Code (CBC)
- San Francisco Ordinance 51-16: Mandatory Disability Access Improvements
- San Francisco Ordinance 102-18: Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines - Deletion of Administrative Fee
- San Francisco Ordinance 60-20: Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines
- San Francisco Ordinance 204-21: Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines
- Information Sheet DA-02: Disabled access upgrade compliance checklist package (for existing buildings only)
- [Technical Specifications Guidelines](#)

DISCUSSION :

Ordinance No. 51-16, effective May 22, 2016 and recently extended by two years (see Table 1107D), requires any existing building with a Place of Public Accommodation either to have the primary entry and path of travel into the building accessible by persons with disabilities or to receive a determination from the Department of Building Inspection that a technical infeasibility or unreasonable hardship exists.

Nothing in this ordinance is intended to relieve the Owner or the operator of a Place of Public Accommodation of their obligation to comply with the requirements of any Federal or State law, including but not limited to the Americans with Disabilities Act (ADA), or to modify or extend the time for compliance with any such law.

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THANK YOU