

## IF I BELIEVE ACCESS REQUIREMENTS ARE TOO EXPENSIVE OR TOO DIFFICULT, ARE THERE EXCEPTIONS?

Possibly. If you are remodeling or altering an existing building and the cost of the work is less than \$119,958.65 (based on ENR Construction Cost Index for 2008), you may request an exception based on unreasonable hardship. In making an unreasonable hardship request, five key factors must be considered:

- Cost of providing access;
- Cost of all construction contemplated;
- Impact of access work on financial feasibility of the project;
- Nature of the accessibility which would be gained or lost;
- Nature of the use of the facility under construction and its availability to persons with disabilities.

When hardships are granted for financial reasons, however, the building owner must spend at least 20% of the construction cost for accessible features. In choosing which accessible elements to provide, priority shall be given in the following order:

- An accessible entrance;
- An accessible route to the altered area;
- At least one accessible toilet for each sex;
- Accessible drinking fountains; and
- Additional features such as parking, storage, and alarms.

## WHAT IF MY UNREASONABLE HARDSHIP REQUEST IS DENIED?

If you are denied a hardship, an appeal may be made to the Access Appeals Commission. Consideration may be given due to costs, legal or physical constraints. Typical examples for such appeals are: basement parking garages without vertical clearance of 8'2" due to building height limitations; extremely small restaurants or commercial spaces where accessible toilets cannot be reasonably constructed; and buildings where floors are raised above the sidewalk levels.

When making an appeal, it is important to consider "equivalent facilitation" or alternate methods to achieve accessibility. A few common alternatives are: alternate

building entrances; street "blue zone" parking for tall vans; special access lifts; and signage to direct people with disabilities.

Appeal forms, hearing dates and procedures are in the Information Guide to the Access Appeals Process, available in the Plan Review Services at (415) 558-6133 or from the Secretary to the Access Appeals Commission at (415) 558-6168.

## IF I DON'T MAKE MY BUILDING ACCESSIBLE AND SOMEONE COMPLAINS, WHAT HAPPENS?

The Attorney General of California has ruled that if a building which should be accessible is not accessible, then the building department must inspect the premises and take necessary actions to get the deficiencies corrected. Therefore, if any citizen complains to the

Department of Building Inspection, an inspector will visit the site and perform an inspection. If the building does not have required accessible features, the inspector will initiate actions to require the owner to correct the problems.

When reconstruction or additional work is required, a building permit must be obtained and work completed within a reasonable time established by the City. Otherwise, the City is required to use available legal means to see that access features are constructed.

## WHAT OTHER SOURCES ARE AVAILABLE IN DEPARTMENT OF BUILDING INSPECTION FOR ACCESS QUESTIONS?

Technical Services Division  
(415) 558-6084

Plan Review Services  
(415) 558-6133

Access Appeals Commission  
(415) 558-6168

For field questions (work in progress - construction work with permit), please contact the District Building Inspector at Building Inspection Division at (415) 558-6096.

For city-owned buildings, please contact The Mayor's Office on Disability, 401 Van Ness Avenue, Room 300, San Francisco, California 94102, (415) 554-6060.



Want a DBI Pro to brief your community / organization on permits and inspection issues? Please contact us at 415-558-6089 or DBICommunityOutreach@sfgov.org and we will make it happen.



## What You Should Know About

# Disabled Access Requirements



Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

General Information 415-558-6088  
Code Questions 415-558-6084  
Fax 415-558-6401  
[www.sfgov.org/dbi](http://www.sfgov.org/dbi)

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## BUILDING ACCESS LAWS & CODES

In 1968 the State of California first adopted laws requiring that commercial and public-use buildings be designed and constructed to be accessible so that persons with physical disabilities may enter, travel within, and function within work areas and other spaces in buildings. People with disabilities include those with hearing, or vision impairments, people who have limited physical strength, and people who use wheelchairs to get around.

In 1982 the access laws were revised and expanded. The building code requirements for access are located in the California Code of Regulations, Title 24, Part 2, and are commonly referred to as Title 24.

ADA (the Americans with Disabilities Act of 1990) is a sweeping federal civil rights law which prohibits discrimination against persons with disabilities. The United States Department of Justice enforces the ADA.

The Department of Building Inspection (DBI) does not enforce ADA and cannot make recommendations on ADA. Even though you may meet all state access requirements when you construct or remodel a building, there may be other access requirements under the ADA. We recommend you check with a consultant or an architect to be assured that you are in full compliance with federal ADA access requirements. For information concerning the ADA contact: the Architectural Transportation Barrier Compliance Board at 1-800-872-2253, the Department of Justice at (202) 514-2000, and the Pacific ADA and IT Center at 1-800-949-4232.

In San Francisco, the Department of Building Inspection is responsible for seeing that buildings are accessible under Title 24 because... IT'S THE LAW.

Some of the questions most frequently asked at DBI concerning accessibility requirements are listed below. We believe this information will be helpful to building owners, architects, engineers, and contractors in designing and constructing new buildings, or making alterations to existing buildings to meet accessibility requirements.

## WHEN MUST BUILDINGS BE ACCESSIBLE?

Most new buildings and remodeled areas of existing buildings are required to be accessible. General guidelines as to what must be accessible are as follows:

Single-family and duplex or 2-family dwellings are generally not required to be accessible except when they are part of a condominium or planned-use development.

Existing privately-funded multi-family buildings can generally undergo remodeling or alterations with little or no access work required except for public or employee areas.

New multi-family buildings of three or more apartment units or four or more condominium dwelling units must be accessible.

Existing commercial buildings, when remodeled, must have the following access features:

- At least one accessible building entrance with signs at the inaccessible entrances to direct the disabled;
- A path-of-travel to the remodeled area;
- Access in the remodeled area itself;
- Accessible toilet rooms that serve the remodeled areas;
- Accessible public telephones and drinking fountains serving the remodeled area;
- Accessible parking areas and spaces for the remodeled area with accessible spaces close to the accessible building entrances.

New commercial buildings must meet all minimum access standards for new buildings including accessibility of:

- Building approaches (from arrival on site to the building entrance);
- All building entrances;
- All paths of travel within the building including corridors, elevators, and door widths;
- All areas and uses throughout the building;
- All toilet rooms;
- Public telephones and drinking fountains;
- Parking areas and spaces including provisions for tall van parking.

## WHAT ARE THE ACCESS CODES? WHERE CAN I GET THEM?

Multi-family building accessibility requirements are contained in the California Building Code Chapter 11A, Chapter 10, Chapter 30, and section 101.17.9.1.

Commercial building access requirements are contained in the California Building Code Chapter 11B, Chapter 10, Chapter 30, and section 101.17.11.

Disabled Access regulations have been reprinted in the book entitled California Access Compliance Manual that can be ordered from:

State of California  
Department of General Services  
Division of the State Architect  
Access Compliance  
1102 "Q" Street, Suite 5100  
Sacramento, CA 95814  
[www.dsa.dgs.ca.gov](http://www.dsa.dgs.ca.gov)

There are also several excellent users' guides available to the public that are helpful in the clarification of access regulations. Two of them are:

A Users Guide to California Multi-Family Disabled Access Regulations

A Users Guide to California Non-Residential Disabled Access Regulations

Both Users Guides may be ordered from:

California Building Officials (CALBO)  
[www.calbo.org](http://www.calbo.org)

## HOW CAN I GET INFORMATION FOR REQUIRED ACCESS IN MY BUILDINGS?

The Technical Services Division, (415) 558-6084, of the Department of Building Inspection is able to answer some access questions over the phone. However, it is best to meet with Plan Review staff, in person, to look at your plans and provide more accurate information.

A Pre-application meeting service is available through the Plan Review Services to discuss disabled access and, if you wish, other aspects of your project such as fire and life safety, fire resistance requirements, exiting, building area and height limitations and other building code requirements. There is a fee for this meeting

and arrangements must be made at least 10 days in advance. Contact the Plan Review Services Division at (415) 558-6133 to arrange a pre-application meeting.

## IF I BUILD A TENANT IMPROVEMENT WITH SOME ACCESS FEATURES NOW, WILL I BE REQUIRED TO DO MORE ACCESS WORK IN THE FUTURE?

Each building permit issued carries its own access requirements depending upon the scope and value of the work.

If you do a modest size remodeling project now and provide some features (such as entrance and path-of-travel) and then do a much larger remodel on the same building at a later date, other features such as parking, elevators, etc., could be required.

## MUST HISTORICAL BUILDINGS BE MADE ACCESSIBLE WHEN THEY ARE REMODELED?

Yes. Even historical buildings, when remodeled or altered, must have the same accessible features (entrance, path-of-travel, area of remodel, toilets, phones, drinking fountains, and parking) as other buildings. The State Historical Code does provide limited exceptions when the historical aspect of the building would be threatened. Such exceptions, however, must be applied for on a case by case, or item by item basis. If the Department denies your request for an exception then you have the right to appeal either to the Access Appeals Commission or directly to the State Historical Building Safety Board.

If the San Francisco Access Appeals Commission does not approve proposed exceptions for historical buildings, the applicant may appeal to the State Historical Building Safety Board.

To be considered a qualified historical building in California, the building must be listed in a register, publication, or local inventory such as:

- Federal List of Historical Places;
- State List of Historical Resources;
- San Francisco Planning Code, Chapter 10;
- San Francisco Planning Code, Chapter 11;
- The book "Here Today"