



**Japantown Community Benefit District (JCBD)
Guide for the Accessible Business Entrance (ABE) Ordinance
(Updated 3.1.19)**

Accessible Business Entrance (A.B.E.) Deadline was January 1, 2019 for Building Category I and Category II. Category 3 and 4 have later due dates in 2019 & 2020. Please check the Compliance Schedule on this page (<https://sfdbi.org/businessentrance>) (Please note, all information is subject to change at any time, so please visit the [Accessible Business Entrance](#) website to get the most accurate and updated information.)

The Accessible Business Entrance (ABE) program helps property owners comply with state and federal accessibility laws and helps people with disabilities gain greater access to goods and services offered by San Francisco businesses. Passed in 2016, [Ordinance No. 51-16](#) requires existing buildings with a place of “public accommodation” to have all primary entrances accessible for people with disabilities. If your building and/or business serves the public, this program may apply to you. Property owners are responsible for complying with this ordinance. A place of Public Accommodation* is generally a business where the public will enter the building to obtain goods and services, such as:

- Banks
- Health Clubs
- Offices
- Restaurants
- Theaters
- Daycare Centers
- Hotels
- Repair Shops
- Retail Stores
- and more...

How to Comply with the Ordinance

STEP ONE:

Determine which one of the three forms you will need to submit to DBI: [Pre-Screening Form](#), [Waiver](#) or [Category Checklist Compliance Form](#). If you submit a Pre-Screening or Waiver form, you will have complied with the Program's requirements and no additional action is required.

STEP TWO:

If your property is not exempt or waived, have a licensed architect, licensed engineer, or Certified Access Specialist (CASp) review and complete the [Category Checklist Compliance Form](#). Submit your completed form to DBI by the compliance date according to your property's compliance category.

- Note: Multiple properties?

- If you have multiple storefronts on the same block, and all are in the same Category, then it should be ok to turn in one checklist to cover all buildings. However, if the buildings fall in different categories or have different levels of issues, then DBI recommends that you turn in separate checklists. (No fee involved with the forms any more)

STEP THREE:

File application for any required permits by the compliance date according to your property's compliance category.

Note: For properties that fall under compliance category 2, 3 or 4, please consult with Planning and/or Public Works prior to submitting your checklist.

STEP FOUR:

Obtain required building permit(s) by the compliance date according to your property's compliance category. Complete permitted work and schedule inspections to receive a Certificate of Final Completion per permit requirements.

BUILDING CATEGORIES

Buildings will either be exempt, waived or fall into one of four categories. Compliance steps will be required based on which category the building falls under.

- **Category I:** Building entrance has no steps and is compliant with the requirements of the ordinance.
- **Category II:** Building entrance has no steps, but there are barriers such as non-compliant hardware, door opening clear width, lack of maneuvering space and sloped landings not exceeding 2% (1:48).
- **Category III:** Building entrance has one step.
- **Category IV:** Building entrance with more than one step and/or other major barriers.

Note: Property owners can do an unofficial category assessment of their entryways, however the final determination is by the licensed design professional (architect or engineer), or CASp inspector when they fill out the code compliance section of the Compliance Checklist, so they will determine what Category your building belongs in.

EXEMPTIONS

Four building types are exempt, which 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 you are uncertain whether you are a "Public Accommodation" or if you are exempt, please complete the [Pre-Screening Form](#) prior to hiring a design professional or Certified Access Specialist (CASp).

WAIVERS

There are four types of permit work that qualify for a waiver under this program:

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 California Building Code or a later SF Building Code.
 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 to comply with the requirements prior to the Program's compliance deadlines.
 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 the Program and the owner elected to comply with the requirements prior to the Program's compliance deadlines.
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File for an Extension:

- Businesses can file for a 6-month extension
 - Extension form here: <https://sfdbi.org/sites/default/files/ABE%20Request%20for%20Time%20Extension%20Form.pdf>
- The extension is for 6 months, but you can possibly get further extensions, if granted by the AAC (Access Appeals Commission) - Extensions cannot go longer than 6-years
- Reasons for the extension may include:
 - Financial reasons
 - Unable to secure the design/architectural inspector before the deadline
- As long as the business has taken steps and effort to call an inspector to start the work, then the business will most likely receive an extension

Exemptions:

- Unreasonable hardship -
 - Once a business has hired a CASp and filled out the checklist, the business can apply for financial hardship or technical infeasibility
 - If the business applies for hardship, then they will have to go through a ratification process with the Accessibility Appeals Commission (part of the DBI, that oversees Accessibility cases). For example, there is a hair salon who's entrance is on the corner and at an angle, and there is a pole in front of the door, with a step. That pole is a weight bearing pole, and most likely helps hold the building up, and it would cost a significant amount to do the work to move the pole.
- Waiver for the A.B.E. ordinance
 - If the business property had work done previous to the A.B.E ordinance, and it adhered to the CA building code 1998 or after and was deemed ADA compliant during the renovation, then note the building permit#, and then the building may be exempt from the A.B.E ordinance, and the business will not have to do have to hire the design/architectural inspector and can forego the checklist

- ADA is NOT grandfathered in for an older business/building. ABE applies to all businesses

PENALTY (if the Compliance Checklist isn't completed/or extension form filed):

Here is information on [notice of violations](#) on DBI's website and code enforcement information. My understanding of Notice of Violations is if they are not addressed, DBI could put a lien on the property. We do not have the details of enforcement at this time as DBI is focused on outreach and compliance process due to the deadline quickly approaching.

Notes:

- Differences between a CASp and Design Professional:
 - **CASp (Certified Access Specialist)** - CASp inspectors tests for ADA and Accessibility based on SF ordinances
 - **Design Professional** - They can provide recommendations, but they may not be familiar with the specifics that are needed to be ADA compliant in San Francisco

Grants/Funds/Loans to help with A.B.E. costs

“Small Business - Accessible Business Entrance Fund”

- This fund applies to both tenants and/or property owners
- City is very particular on who is eligible for this fund. There is a careful, pre-vetting process on who gets selected for this
- This fund is meant for small business owners on a fixed income, and/or owners who can show a financial hardship to do the remediation on their own
- There are currently 2 funding categories available now, (with 2 more to hopefully become available by June 2019):
 1. In-kind services (available now):
 - Assign design professional, fill out ABE checklist for the design services
 - Grant of \$800-\$2,500 per business
 2. Reimbursement (available now):
 - Hire CASp inspectors for the checklist
 - Requirement is to show financial hardship
 - Fund provides \$800-\$2,500 reimbursement

Small Business Loans through the SEACC (Southeast Asian Community Center)

The [SEACC](#) can help small business tenants who need to make improvements/changes to meet the ADA requirements, or who want to do a CASP inspection and need financing help. Typically the SEACC can help small businesses that may have trouble getting financing through their banks. If so, SEACC can help. In addition to financing, SEACC can also help with general business issues, permits or marketing as well.

Some CASp and Architects used by Japantown Property Owners:

- [DGA Architects](#) (Mountain View)
 - Junichi Katagiri (is also Japanese speaking) 650-293-7876, katagiri.junichi@gmail.com
- [Arcor Inc.](#) Architectural & Construction Consulting
 - Steven Shraibman, 650-468-0307, steve@arcor-inc.com
- [Sally Swanson Architects](#) (San Francisco)
 - Shao Chen 415-445-3045 x111, schen@swanarch.com
 - Sally Swanson: 415-445-3045 x101, ssa@swanarch.com

RESOURCES:

- **[Accessible Business Entrance \(A.B.E.\) Program](https://sfdbi.org/businessentrance)**
 - <https://sfdbi.org/businessentrance>
- **[Accessible Business Entrance Program: A Guide for Small Businesses](https://sfosb.org/sites/default/files/documents/SBAC/ABE%20Guide%20for%20Business%20Owners%202018_2.pdf)**
 - https://sfosb.org/sites/default/files/documents/SBAC/ABE%20Guide%20for%20Business%20Owners%202018_2.pdf
- **[Accessible Business Program Resources](https://sfdbi.org/businessentrance-resources)**
 - <https://sfdbi.org/businessentrance-resources>
- **[ADA Resources for your small business](https://sfosb.org/ada-resources-your-small-business)**
 - <https://sfosb.org/ada-resources-your-small-business>
- **[Tips for Selecting a Certified Access Specialist \(CASp\)](https://sfosb.org/sites/default/files/documents/SBAC/Selecting%20a%20CASp%20Inspector%202017.pdf)**
 - <https://sfosb.org/sites/default/files/documents/SBAC/Selecting%20a%20CASp%20Inspector%202017.pdf>
- **[Handout of Certified Access Specialists \(CASp\) Serving San Francisco - LOCAL](https://sfosb.org/sites/default/files/documents/SBC/SF%20Certified%20Access%20Specialists%202018.pdf)**
 - <https://sfosb.org/sites/default/files/documents/SBC/SF%20Certified%20Access%20Specialists%202018.pdf> - The City vetted this list as being compliant to SF's ABE ordinance, but most likely these inspectors are the busiest right now
- **[Certified Access Specialists Serving San Francisco](https://sfosb.org/sites/default/files/documents/SBAC/CASp%20Database%20Serving%20SF%202018.06.12.pdf)**
 - <https://sfosb.org/sites/default/files/documents/SBAC/CASp%20Database%20Serving%20SF%202018.06.12.pdf> - This list was not vetted by the City, however, this is a filtered list from a general CA list of CASp inspectors that are listed as serving San Francisco
- **[ABE Open House Presentation Handout \(from Dec 3, 2018\)](https://sfdbi.org/sites/default/files/12.3.18%20ABE%20Open%20House.pdf)**
 - <https://sfdbi.org/sites/default/files/12.3.18%20ABE%20Open%20House.pdf>
- **[Accessible Business Entrance \(A.B.E.\) Extension Form](https://sfdbi.org/sites/default/files/ABE%20Request%20for%20Time%20Extension%20Form.pdf)**
 - <https://sfdbi.org/sites/default/files/ABE%20Request%20for%20Time%20Extension%20Form.pdf>

A.B.E. help for Japantown businesses:

- City Lead for A.B.E. (Accessible Business Entrance) ordinance
Rhea Aguinaldo
 Assistant Project Manager | Business Case Manager
 Office of Small Business

City and County of San Francisco
City Hall, Room 110
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- Accessible Business Entrance Program
1660 Mission Street, 1st Floor - Window #8
San Francisco CA 94103
Phone: (415) 558-6128
Email: dbi.businessentrance@sfgov.org
- Japantown Cultural Benefit District contact:
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