

PORT CODE PROCEDURE

NO. PCP-003

DATE : January 1, 2008; revised 10/26/2016, 1/1/2026

SUBJECT : Accessibility; General Administrative Procedures

TITLE : Barrier-free Access: Unreasonable Hardship Request and Appeals

PURPOSE : The purpose of this Port Code Procedure (PCP) is to explain the documentation required for written appeals brought by any person regarding actions taken by the Port's Engineering Division's Building Permit Group (BPG) in the enforcement of the requirements for access to public accommodations by persons with disabilities under California Title 24, as well as action taken by the Port of San Francisco in the enforcement of barrier free access and access appeals.

REFERENCE : Part 5.5, Sections 19955-59, California Health and Safety Code
Chapter 11B, California Building Code, Title 24, California Building Standards Code

DISCUSSION : A permit applicant or other subject of Port enforcement action may appeal a decision or action made by the BPG in its enforcement the requirements for access to public accommodations by persons with disabilities under California Title 24. To make such an application, the applicant must first file an Unreasonable Hardship Request (see Exhibit A) through the BPG. An Unreasonable Hardship Request should also be proactively filed by permit applicants where the proposed project is requesting an Unreasonable Hardship under Chapter 11B of the California Building Code.

If the Unreasonable Hardship Request is denied the applicant shall be informed as to the reason for denial and may appeal the denial to the Port's Chief Harbor Engineer (CHE). The applicant may further appeal the CHE's decision to the Port Commission in accordance with the Port Building Code Chapter 1, as detailed in PCP-006.

Requirements for Unreasonable Hardship Request

Applications should be made in writing to the Chief Harbor Engineer and shall include the following:

- a. Date of the appeal application.
- b. Address or Facility Identification Number (FIN) of the subject property.
- c. Port building permit or complaint number and date of decision or action of appeal.
- d. Identify whether the applicant is a master lesser, tenant, temporary operator or Special Event sponsor of Port property.
- e. Description of the area or condition for which the appeal is being made.
- f. Identification and content of applicable Port of San Francisco Building Code sections on which the appeal is being based.

- g. Identification and content of accessibility determinations from Port Code Procedure(s), or Division of the State Architect Policy(s) applicable to the appeal request, or any other technical guideline that provides equal or greater accessibility.

When requested, the Building Permit Group or the Port Disability Access Coordinator can provide assistance in completing the form.

Fees

Refer to Chapter 1 of the Port Building Code for fees. An Unreasonable Hardship Request submitted for plan review as part of a permit application will not increase the required permit fees. Fees for appeals hearings will be assessed as applicable.

Background Report

The Port Disability Access Coordinator or the CHE shall prepare a background report with a recommendation for action by the appeal reviewers.



 Matthew Bell
 Acting Chief Harbor Engineer
 Port of San Francisco

1/1/2026

 Date

Update reviewed and approved by Matthew Bell, Acting Chief Harbor Engineer January 1, 2026

ATTACHMENT “A” Port of SF Unreasonable Hardship request form



PORT OF SAN FRANCISCO
ENGINEERING DIVISION - BUILDING PERMIT GROUP
Pier 1, The Embarcadero
San Francisco CA 94111

Building Permit Desk: (415) 274-0554, permit-desk@sfport.com
Main Receptionist: (415) 274-0400

UNREASONABLE HARDSHIP REQUEST

For Projects with an Adjusted Construction Cost Exceeding the Current Valuation Threshold and Requesting Exceptions to Disabled Access Regulations per section 11B 202.4 exception 8, Title 24 (Page 1 of 2)

1. Site Address: _____
2. Floor: _____
3. Permit Application No.: _____
4. Hardship Request No.: _____
5. Existing Use: _____
6. Proposed Use: _____
7. Existing Occupancy: _____
8. Proposed Occupancy: _____
9. Description of proposed work which triggers access compliance upgrades: _____

CBC Section 11B-202.4, exception 8. "When the adjusted construction cost, as defined, exceeds the current valuation threshold, as defined, and the enforcing agency determines that the cost of compliance with Section 11B-202.4 is an unreasonable hardship, as defined, full compliance with Section 11B-202.4 shall not be required. Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost..."

We request that this project be granted an exception from the following specified requirements of Title 24 Part 2 of the California Code of Regulations because compliance would create an unreasonable hardship as defined in Section 202 of Title 24.

10. The access feature(s) that will not be provided is (are) :

- | | |
|--|---|
| <input type="checkbox"/> a. Accessible Entrance. | <input type="checkbox"/> b. An accessible route to the area of remodel. |
| <input type="checkbox"/> c. Accessible restrooms. | <input type="checkbox"/> d. Accessible public pay phones. |
| <input type="checkbox"/> e. Accessible drinking fountain. | <input type="checkbox"/> f. Accessible signage. |
| <input type="checkbox"/> g. Visual alarms, storage and additional parking. | |

11. Detailed description of the accessible feature(s) that will not be provided. What is the condition now? Note location on the plans or provide attachments if necessary. _____

12. Total adjusted cost of construction for the project: _____

13. A. Cost of the accessible feature(s), which will not be provided: _____

B. Percentage of total cost shown on Line 12 (divide line 13 by line 12): _____

14. Reference drawings and give a description of how compliance will be provided to the maximum extent possible: _____

15. Applicant's Name (Print): _____
☐ Owner ☐ Tenant ☐ Agent

Applicant's Signature: _____

16. Applicant's Address: _____

FOR PORT OF SAN FRANCISCO STAFF USE ONLY

This exception for unreasonable hardship is:

☐ **GRANTED FOR THIS PERMIT ONLY**

☐ **DENIED***

Based on Section(s): _____ of the Port of San Francisco Building Code

Plans reviewed by (print name): _____

Signature of the Plans Examiner: _____ Date: _____

Denied for the following reason(s): _____

*Reviewed By (name and title): _____ Date: _____

*(needed only when Denied)

An applicant may appeal a decision or action made by the Plans Reviewer in accordance with PCP-003 of the Port Building Code (PBC).

To file an appeal, submit any required fees with an appeal package, including this UNREASONABLE HARDSHIP REQUEST, to the Chief Harbor Engineer through the Pier 1 Office Building Permit Desk.

Please submit appeals to: Port of San Francisco
Chief Harbor Engineer
Pier 1, The Embarcadero
San Francisco, CA 94111

or electronically to: permit-desk@sfport.com