City of Oakland
BUILDING SERVICES DIVISION
ACCESSIBILITY APPEAL APPLICATION DUE TO UNREASONABLE HARDSHIP, PROVISION OF EQUIVALENT FACILITATION, OR LEGAL OR PHYSICAL CONSTRAINT

Pursuant To 2013 California Building Code Section 11B-202.4 Exception 8:

NOTE: THIS APPEAL ONLY APPLIES TO STATE OF CALIFORNIA ACCESSIBILITY REQUIREMENTS AND GRANTING OF THIS APPEAL DOES NOT WAIVE FEDERAL REQUIREMENTS FOR ACCESSIBILITY AS APPLICABLE TO THIS PROJECT.

_____$450.97*(Non-Refundable) Fee To Be Paid Upon Submission

Submit 1 set of this form with applicable plans, COST ESTIMATES, exhibits, and photographs documenting the case for exception due to (1) unreasonable hardship; (2) provision of equivalent facilitation; (3) legal constraint; or (4) physical constraint, as appropriate.
***(includes 9.5% Records Management & 5.25% Tech Enhancement Fee)**

TO: ACCESSIBILITY APPEALS BOARD

Through (Staff Person's Name):_____

RESPECTFULLY SUBMITTED BY: (PRINT or TYPE)

NAME:_____TITLE:_____

MAILING ADDRESS:_____

_____

DAY PHONE:_____FAX:_____

I HEREBY AGREE TO SAVE, INDEMNIFY AND KEEP HARMLESS THE City of Oakland and its officers, employees and agents against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of this accessibility appeal and will in all things strictly comply with the conditions under which this appeal is granted; and further

I certify, subject to penalty of law, that the information I have provided herein is true and accurate to the best of my knowledge.

SIGNATURE:_____DATE:_____

SUBJECT: Appeal of **2013 California Building** Requirements for Disabled Accessibility As Checked Below for PROJECT LOCATED AT: (Provide Street Number and Street Name)
PROJECT ADDRESS:_____
ZONING CASE #./BUILDING PERMIT #_____

☐ Appeal is for Exception based on unreasonable hardship to CBC Accessibility Requirements since project amount (accumulative over 3 years after January 5, 2008 pertinent to access path) is less than $ 143,303.00 (this amount will change in January of each year and is based on the January 2011 ENR US20 Cities average construction cost index divided by the January 1981ENR US20 Cities index times $50,000). (Complete UNREASONABLE HARDSHIP section).

☐ Appeal is for Equivalent Facilitation based on unreasonable hardship for project amount (accumulative over 3 years pertinent to access path) is more than $132,536.28. (Complete EQUIVALENT FACILITATION section).

☐ Appeal is for Exception for floor above or below first floor in existing multi-story building without ramp or (accessible size) elevator now requiring compliance. (Complete UNREASONABLE HARDSHIP section).

☐ Appeal is for Equivalent Facilitation only (no exceptions) based on unreasonable hardship as proved by the CBC Accessibility Requirements since project amount (accumulative over 3 years pertinent to access path) is more than $132,536.28. (Complete EQUIVALENT FACILITATION section).

☐ Appeal is for Exception based on unreasonable hardship to CBC Accessibility Requirements as permitted by a specific CBC code Section other than above. (Complete UNREASONABLE HARDSHIP section).

☐ Also complete LEGAL CONSTRAINT and/or PHYSICAL CONSTRAINT section(s) if applicable and as appropriate.

CBC Section 1134B.2.1- **UNREASONABLE HARDSHIP** exists when the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard unfeasible, based on an overall evaluation of the following (5)features:	
1a. CBC Section 1134B.2.1: Cost of providing access. An "Unreasonable Hardship" exists when cost of THE FIVE FEATURES exceed 20% of the project cost without these features. (Attach DETAILED COST ESTIMATES)	Cost to provide the accessible features being asked to be excepted would be (attach DETAILED COST ESTIMATE): 1. Accessible Entrance $_____ 2. Accessible Path of Travel $_____ 3. Acessible Sanitary Facilities $_____ 4. Accessible Public Phones $_____ 5. Accessible Drinking Fountains $_____ TOTAL $_____ Percentage by which "projet cost" are increased:_____% ALSO ATTACH DETAILED COST ESTIMATE OF PROPOSED WORK TO ACCOMPLISH MINIMUM 20% PROJECT COST
1b. Other CBC (2010) sections that permits exception based on unreasonable hardship.	CBC (2010) section that permits exception based on unreasonable hardship: Estimated cost to provide accessibility for section excepted (Attach detailed estimate): $_____ Percentage increase:_____%
2. The cost of all construction contemplated.	Proposed "project cost" not including cost of accessible features being asked to be excepted, and for appeals based on CBC Sec. 1134B.2.1 must include accumulated costs over past 3 years is: $
3. The impact of proposed improvement on financial feasibility of the project.	Compliance with accessible requirement renders project financially unfeasible because:
4. The nature of the accessibility which would be gained or lost.	Describe the nature of accesibility that would be lost if the exception is granted.
The nature of use of the facility under construction and its availability to persons with disabilities.	Describe the use of the facility, the nature of the work that employees perform, and the availability to visitors or the general public:

LEGAL CONSTRAINTS TO PROVIDING ACCESS (IF ANY) ARE:

PHYSICAL CONSTRAINTS TO PROVIDING ACCESS (IF ANY) ARE:

Section 1102B: **EQUIVALENT FACILITATION** is an alternate means of complying with the literal requirements of these standards and specifications that provides access in terms of the purpose of these standards and specifications. (See Section 101.2 of 2010 CBC for purpose of providing equivalent facilitation. In determining equivalent facilitation, considerations shall be given to means that provides for the maximum independence of persons with disabilities while presenting the least rish of harm, injury or other hazard to such persons or others.

Section 101.2 Purpose (For DSA/AC). The purpose of this code is to ensure that barrier-free design is incorporated in all buildings, facilities, site work and other developments to which this code applies and to ensure that they are accessible to and usable by persons with disabilities.

Describe the Equivalent Facilitation being provided **OR** provide a drawing or plan attached as Exhibit "A". Cite Code Section which permits Equivalent Facilitation.

FOR OFFICIAL USE ONLY: BOARD FINDINGS (List Specific Sections which are being excepted or which are used for equivalent facilitation and reasons for unreasonable hardship, equivalent facilitation, legal or physical constraints):

_____

_____

_____

_____

_____

_____

_____

FOR OFFICIAL USE ONLY: When applicable, list of work to accomplish accessible features based on 20% of project cost (indicate N/A if appropriate):

Priority:

1. Accessible Entrance $_____

2. Accessible path of travel (including elevator/rampk for affected multi-story) $_____

3. Accessible sanitary facilities $_____

4. Accessible public phone $_____

5. Accessible drinking fountain $_____

6. Additional elements i.e. parking, storage, alarms, etc. $_____

TOTAL (must be at least 20% of "Project Cost" unless 5 FEATURES are provided) $_____

BOARD ACTION DATE:_____ ☐ **APPROVED** ☐ **DENIED**

Plan Check Engineer:	Plan Check Supervisor:
Manager - Plan Check/Seismic Safety/Engineering	SUPERINTENDENT OF STREETS (When affecting City facilities in the Public Right-of-way):

BUILDING OFFICIAL:

_____

Ray Derania, Deputy Director – Building Official