

City of Oakland

**PLANNING & BUILDING DEPARTMENT**  
250 FRANK H. OGAWA PLAZA, SECOND FLOOR, OAKLAND, CA. 94612

**ACCESSIBILITY CHECKLIST**

Project Address:							
<b>ALL forms that are required to be completed by this document are required to be reproduced on the plan set.</b>							
1	Proposed Use of the Project	(e.g. Retail, Office, Restaurant etc.)					
2	Describe the area of remodel, including which floor						
3	The construction cost of this project excluding disabled access upgrades to the path of travel is						
	\$	which is:	(check one)	<input type="checkbox"/>	More than	<input type="checkbox"/>	Less than
	the Accessibility Threshold amount of <b>\$172,418.00</b> based on the "2021 ENR Construction Cost Index"						
	(The cost index & threshold are updated annually)						
4	Is this a City project and/or does it receive any form of public funding?					Check one	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>Conditions below must be fully documented by accompanying drawings</b>							
5	Read A through D below carefully and check the most applicable box. Check one box only:						
<input type="checkbox"/>	A:	All existing conditions serving the area of remodel fully comply with access requirements. No further upgrades are required: Fill out page 2 of the Accessibility Checklist.					
<input type="checkbox"/>	B:	The project's adjusted cost of construction is greater than the current valuation threshold: Fill out page 2 of the Accessibility Checklist.					
<input type="checkbox"/>	C:	The project adjusted cost of construction is less than or equal to the current valuation threshold: List all items that will be upgraded on the Accessibility 20% Rule form and then fill out page 2 of the Accessibility Checklist. All items that will not be fully compliant should be checked on page 2 in the "Not required by code" column.					
<input type="checkbox"/>	D:	The proposed project consists entirely of Barrier removal: Fill out the Accessibility Work Type form					
<input type="checkbox"/>	E:	The proposed project is a minor revision to previously approved permit drawings only. (Note: this shall NOT be used for new or additional work)					
		Provide the previously approved permit application number here:					
		Description of the revision:					

CBC chapter 2 section 202 Definitions:

**Technically Infeasible:** *An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.*

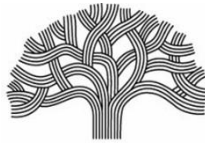
**Unreasonable Hardship:** *When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:*

1. *The cost of providing access.*
2. *The cost of all construction contemplated.*
3. *The impact of proposed improvements on financial feasibility of the project.*
4. *The nature of the accessibility which would be gained or lost.*
5. *The nature of the use of the facility under construction and its availability to persons with disabilities*

*The details of any Technical Infeasibility or Unreasonable Hardship shall be recorded and entered into the files of the Department. All Unreasonable Hardships shall be ratified by the Access Appeals Commission (AAC).*

Project Address:								
Check all applicable boxes and specify where on the drawings the details are shown:								
Note: upgrades below are listed in priority based on CBC 11B-202.4, exception 8	Existing Fully Complying	Will be Up-graded to Full Compliance	Equivalent facilitation will provide full access	Compliance is Technically infeasible	Approved in compliance with immediately preceding code	Not required by Code (and/or none existing)	Non-compliant request UHR <i>Must be ratified by AAC</i>	Location of detail(s) - include detail no. & drawing sheet <u>(do not leave this part blank!)</u> . Also clarification comments can be written here.
A. One accessible entrance including: approach walk, vertical access, platform (landings), door / gate and hardware for door/gate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. An accessible route to the area of remodel including:								
Parking/access aisles and curb ramps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Curb ramps and walks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Corridors, hallways, floors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Ramps elevators, lifts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
C. At least one accessible restroom for each sex or a single unisex restroom serving the area of remodel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D. Accessible public pay phone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Accessible drinking fountains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
F. Additional accessible elements such as parking, stairways, storage, alarms and signage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
See the requirements for additional forms listed below	1	2	3	4	5	6	7	

1. No additional forms required
2. No additional forms required
3. Fill out the Accessibility Appeal Form, Equivalent Facilitation section for each item checked and attach to plan.
4. Fill out the Accessibility Appeal Form, Technical Infeasibility section for each item checked and attach to plans.
5. Provide details from a set of City approved reference drawings, provide its permit application number here:  
\_\_\_\_\_ and list reference drawing number on plans.
6. No additional forms required
7. Fill out the Accessibility Appeal Form, Unreasonable Hardship section for each item checked and attach to plan. All UHR must be ratified by the Access Appeals Commission (see UHR form for details)



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**ACCESSIBILITY APPEAL**

**For Projects with an Adjusted Construction Cost Exceeding the Current Valuation Threshold and Requesting Exceptions to Disabled Access Regulations as per CBC sections 11B-103, chapter 2 section 202, and 11B 202.4 exception 8**

Site Address		Floor	
Permit Number		Appeal Number	
Existing Use		Proposed Use	
Existing Occupancy		Proposed Occupancy	
Description of proposed work which triggers access compliance upgrades:			

Applicant's Name (print)			
<input type="checkbox"/>	Owner	<input type="checkbox"/>	Tenant
<input type="checkbox"/>	Agent		
Applicant's Signature			
Applicant's Address			
Applicant's Phone		Applicant e-mail	

☐ **EQUIVALENT FACILITATION REQUEST**

CBC 11B-103, nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility or usability. See CBC Chapter 2, section 202; *Equivalent Facilitation*

We request that the following be approved as an equivalent facilitation to the prescriptive regulations. This equivalency will provide equal or greater accessibility and usability. This equivalency provides for the maximum independence of the persons with disabilities while presenting the least risk of harm injury or other hazards to such persons or others.

Detailed description of the requested equivalency. (Provide details, documents and drawings if required)


Note: Ratification by the Access Appeals Commission **is not** required for Equivalent Facilitation Request.

☐ **TECHNICAL INFEASIBILITY REQUEST**

Description of proposed alteration element or path of travel upgrade for which technical infeasibility approval is requested:


CBC 11B-202.3, for alterations, where the enforcing authority determines compliance with applicable requirements are technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. See CBC Chapter 2, section 202; *Technically Infeasible*

This alteration is technically Infeasible due to:

- It would require removal or alteration of a load bearing member that is an essential part of the structural frame
- other existing physical or site constraints

Detailed description of the technical infeasibility. (provide details, documents and drawings if required or requested by staff)


Compliance with the regulations will be provided to the maximum extent feasible; (give description)

I verified that the above stated compliance is in effect and is the maximum degree of compliance possible	Applicant Initials	Date	

### ☐ **UNREASONABLE HARDSHIP REQUEST**

CBC Section 11B-202.4, exception 8. When the adjusted construction cost exceeds the current valuation threshold, and the Department determines that the cost of compliance with section 11B-202.4 is an unreasonable hardship ...full compliance shall not be required. Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship. In no case shall the cost of compliance be less than 20% 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.

The access feature(s) that will not be provided is (are):			
-	Accessible Entrance	-	Accessible route to area of remodel
-	Accessible restrooms	-	Accessible public pay phones
-	Accessible drinking fountain	-	Accessible signage
-	Visual alarms, storage & additional parking		

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.


1. Total Adjusted cost of construction for the project:	\$	
2. Cost of the accessible feature(s) which will not be provided	\$	
percentage of total cost (divide line 1 by line 2)	\$	

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

Note: Ratification by the Access Appeals Commission is required for all Unreasonable Hardship Requests. Refer to the 2016 California Building Code Section 11B-202.4 Exception 8.

<input type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	BY:	
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**ACCESSIBILITY 20% RULE**

This form is only required for projects equal to or under the valuation threshold when box "C" is checked off on the Accessibility Checklist and is for providing an itemized list of the estimated costs for the expenditures used for disabled access upgrades for this project. Reproduce this form along with the Accessibility Checklist and any required form(s) on the plans.

Based on CBC Section 11B-202.4 Exception 8, only projects with a construction cost less than or equal to the valuation threshold (current ENR Construction Cost Index Amount) are eligible for the 20% rule. In choosing which accessible elements to provide, priority should be as listed on p. 2 of the Accessibility Checklist.

In general, projects valued over the threshold are not eligible for the 20% rule (see CBC 11B-202.4 Exceptions 1 through 8 for other exceptions).

CBC Section 11B-202.4, Exception 9 (abbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 8, even if the value of the project exceeds the valuation threshold in Exception 8. Refer to the Code for the types of buildings & facilities that qualify for these 20% disproportionality provisions when project valuation is over the threshold.

		Contractor's Estimated Cost	Building Department Revised Cost
A	Cost of Construction:	\$	\$
	(Excluding Alterations to the Path of Travel as required by 11B-202.4)		
B	20% of A	\$	\$

List the Upgrade Expenditures and their respective construction cost below:

1		\$	\$
2		\$	\$
3		\$	\$
4		\$	\$
5		\$	\$
6		\$	\$
7		\$	\$
8		\$	\$
9		\$	\$

**Total Upgrade Expenditures**

	Should be approximately equal to, but not to exceed, Line B	\$	\$



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ACCESSIBILITY WORK TYPE

**Consisting Only of Barrier Removal, Notice of Accessibility Violation Compliance, or Exempted Work**

☐ **I. Barrier Removal Work (Section 11B-202.4, Exception 3 and 4).**

Note: Barrier removal only projects shall be limited to the scope of work only and shall not be required to comply with section 11B-202.4 (Path of travel requirements). Alterations or additions consisting of one or more of the following shall be limited to the actual work of the project (*check all that applies*):

- ☐ Altering one building entrance to meet accessibility requirements.
- ☐ Altering one existing toilet facility to meet accessibility requirements.
- ☐ Altering existing elevators to meet accessibility requirements.
- ☐ Altering existing steps to meet accessibility requirements.
- ☐ Altering existing handrails to meet accessibility requirements.
- ☐ Alteration solely for the purpose of removing barriers undertaken pursuant to the requirements of Sections 36.402 and 36.404 through 36.406 of Title III of the Department of Justice regulations promulgated pursuant to the Americans with Disabilities Act (Public Law 101-336, 28 C.F.R. Section 36.402, 28 C.F.R. Section 36.404, 28 C.F.R. Section 36.405, 28 C.F.R. Section 36.406), included but not limited to:

-	Installing ramps	-	Adding raised markings on elevator control buttons
-	Making curb cuts in sidewalks and entrances	-	Installing accessible door hardware
-	Repositioning telephones or shelving	-	Installing flashing alarm lights
-	Adding raised markings on elevator control buttons	-	Insulation for lavatory traps
-	Widening doors	-	Repositioning paper towel dispenser in a bathroom
-	Installing grab bars in toilet stalls	-	Installing a full length bathroom mirror
-	Rearranging toilet partitions to increase maneuvering space	-	Installing a full length bathroom mirror
-	Creating designated accessible parking spaces	-	Others upon approval of building official

Description of others:


☐ **II. Exempted Work (Section 11B-202.4, Exception 5 and 6);**

Alterations of existing parking lots by resurfacing and/or restriping; and the addition of or replacement of signs and/or identification devices shall be limited to the actual scope of work and shall not be required to comply with section 11b-202.4

☐ **III. Exempted Work (Section 11B-202.4, Exception 7)**

“Projects which consist only of heating, ventilation, air conditioning, re-roofing, electrical work not involving the placement of switches and receptacles, cosmetic work that does not affect items regulated by this code, such as painting, carpeting, etc., are not to be part of the architecture of the building or area...unless they affect the usability of the building or facility.”

## DISABILITY ACCESS REQUIREMENTS AND RESOURCES

### NOTICE TO APPLICANTS FOR BUSINESS LICENSES AND COMMERCIAL BUILDING PERMITS:

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

DEPARTMENT OF  
GENERALSERVICES,  
Division of the State  
Architect, CASp Program

[www.dgs.ca.gov/dsa](http://www.dgs.ca.gov/dsa)

[www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp)

DEPARTMENT OF  
REHABILITATION  
Disability Access Services

[www.dor.ca.gov](http://www.dor.ca.gov)

[www.rehab.cahwnet.gov/](http://www.rehab.cahwnet.gov/)

[disabilityaccessinfo](http://disabilityaccessinfo)

DEPARTMENT OF  
GENERALSERVICES,  
California Commission on  
Disability Access

[www.cdda.ca.gov](http://www.cdda.ca.gov)

[www.cdda.ca.gov/resources-menu/](http://www.cdda.ca.gov/resources-menu/)

### CERTIFIED ACCESS SPECIALIST INSPECTION SERVICES

Compliance with state and federal construction-related accessibility standards ensures that public places are accessible and available to individuals with disabilities. Whether your business is moving into a newly constructed facility or you are planning an alteration to your current facility, by engaging the services of a Certified Access Specialist (CASp) early in this process you will benefit from the advantages of compliance and under the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51-55.545), also benefit from legal protections.

Although your new facility may have already been permitted and approved by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, for example, placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can provide plan review of your improvement plans and an access compliance evaluation of the public accommodation areas of your facility that may not be part of the alteration.

A CASp is a professional who has been certified by the State of California to have specialized knowledge regarding the applicability of accessibility standards. CASp inspection reports prepared according to CRASCA entitle business and facility owners to specific legal benefits, in the event that a construction-related accessibility claim is filed against them.

To find a CASp, visit [www.apps2.dgs.ca.gov/DSA/casp/casp\\_certified\\_list.aspx](http://www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx).

## DISABILITY ACCESS REQUIREMENTS AND RESOURCES

### GOVERNMENT TAX CREDITS, TAX DEDUCTIONS AND FINANCING

State and federal programs to assist businesses with access compliance and access expenditures are available:

#### Disabled Access Credit for Eligible Small Businesses

**FEDERAL TAX CREDIT**—Internal Revenue Code Section 44 provides a federal tax credit for small businesses that incur expenditures for the purpose of providing access to persons with disabilities. For more information, refer to Internal Revenue Service (IRS) Form 8826: Disabled Access Credit at [www.irs.gov](http://www.irs.gov).

**STATE TAX CREDIT**—Revenue and Taxation Code Sections 17053.42 and 23642 provide a state tax credit similar to the federal Disabled Access Credit, with exceptions. For more information, refer to Franchise Tax Board (FTB) Form 3548: Disabled Access Credit for Eligible Small Businesses at [www.ftb.ca.gov](http://www.ftb.ca.gov).

#### Architectural and Transportation Barrier Removal Deduction

**FEDERAL TAX DEDUCTION**—Internal Revenue Code Section 190 allows businesses of all sizes to claim an annual deduction for qualified expenses incurred to remove physical, structural and transportation barriers for persons with disabilities. For more information, refer to IRS Publication 535: Business Expenses at [www.irs.gov](http://www.irs.gov).

#### California Capital Access Financing Program

**STATE FINANCE OPTION**—The California Capital Access Program (CalCAP) Americans with Disabilities Act (CalCAP/ADA) financing program assists small businesses with financing the costs to alter or retrofit existing small business facilities to comply with the requirements of the federal ADA. Learn more at [www.treasurer.ca.gov/cpcf/capcalcap/](http://www.treasurer.ca.gov/cpcf/capcalcap/).

### FEDERAL AND STATE LEGAL REQUIREMENTS ON ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

**AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)** —The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities, and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Learn more at [www.ada.gov](http://www.ada.gov).

**CALIFORNIA BUILDING CODE (CBC)**—The CBC contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the version of the CBC in place at the time of construction or alteration. Learn more at [www.bsc.ca.gov](http://www.bsc.ca.gov).