



Application for Unreasonable Hardship Determination for Accessibility Upgrades Over Valuation Threshold

Purpose: When improvements are made to existing commercial and multi-family structures, Section 11B-202.4 of the 2019 California Building Code (CBC) allows for an exception in lieu of bringing the entire structure or facility up to compliance with current code standards for accessibility requirements. CBC 11B-202.4, Exception 8, states that projects with a construction cost less than the current (based on ENR Construction Cost Index Amount) valuation threshold (including the cumulative valuation of projects within a 3-year period) are eligible to provide accessible path of travel upgrades equivalent to at least up to 20% of the cost of construction in the required priority as listed below.

VALUATION THRESHOLD AMOUNT: \$170,466.00

YEAR: 2020

Valuation threshold for previous years can be found at
<https://www.dgs.ca.gov/DSA/News/Page-Content/Division-of-the-State-Architect-News-List-Folder/Jan-06-2020#@ViewBag.JumpTo>

To Apply: The owner/applicant/architect shall complete and submit this form to City staff who will determine if the exemption may be granted. A review fee is required for this service.

_____ Date

_____ Site Address

_____ Building Permit Number

_____ City _____ Zip

_____ Owner

_____ Applicant

_____ Phone Number

_____ Phone Number

Definition of Unreasonable Hardship

CBC SECTION 202 Unreasonable Hardship exists when the enforcing agency finds that compliance with the building standards would make the specific work of the project affected by the building standard unfeasible, 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



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List applicable sections below for which either an unreasonable hardship exception or a request for equivalent facilitation is being requested:

Chapter 11 Applicable Section	Requires Determination of Unreasonable Hardship	OR	Request for Equivalent Facilitation

UNREASONABLE HARDSHIP DETERMINATION (add additional sheets as required)

1. Total Cost of providing access (attach itemized cost estimate): \$ _____

2. Total project construction cost: \$ _____

3. Describe the impact of the proposed improvements on the financial feasibility of project:

4. Describe the nature of the access features that would be gained or lost:



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5a. What is the nature of the use of the facility under construction?

5b. What is the availability of facility or facilities to persons with disabilities?

EQUIVALENT FACILITATION REQUESTED TO BE PROVIDED

Describe in detail, the means by which equivalent facilitation will be provided (reference applicable details on construction documents):

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 20____

Owner/Applicant (please print)

Design Professional (please print)

Signature

Signature

Date

Date

Note: The City will not check the plans for compliance with the Americans with Disabilities Act (ADA). It is the Owner's responsibility to ensure compliance with these regulations. The City does not have any legal authority to enforce or interpret the ADA regulations with regard to private facility plan checks (**except to the extent that it enforces Civil Code sections 54 and 54.1 as to facilities it owns or leases**). Note, however, that the State of California has incorporated many, **but not all**, of the ADA provisions into Title 24 effective April 1, 1994.



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----- DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY CITY STAFF -----

An application for a hardship exception has been filed with this office. The following action was taken:

- The above named project has been denied an unreasonable hardship exemption for the following reason(s): _____

- The above named project has been granted an unreasonable hardship exemption from the requirements of the State of California CCR-Title 24 (Regulation for the Accommodation for the Disabled) pursuant to the current adopted version of the CBC.

Conditions of Approval:

Date of Approval/Denial

Permit Number

Building Official/Signature