



UNREASONABLE HARDSHIP DETERMINATION FOR COMMERCIAL ALTERATION PROJECTS

When the total construction cost of alterations, structural repairs or additions to existing buildings and facilities does not exceed a valuation threshold¹ of \$146,930.00 (2023),) and the enforcing agency finds that full compliance with this code creates an “unreasonable hardship”, an exception may be granted by the enforcing agency to allow for less than full compliance with the requirements for disabled access upgrades serving the area of alteration, structural repair, or addition.

In order to be considered for such a determination, please complete the “Application for Unreasonable Hardship Exception to Disabled Access Requirements” requesting a determination by the building official. Documentation shall be completed after a site evaluation has been performed by the applicant and/or designer. Note that such a determination is not a blanket exemption but, rather, limits the required cost of accessibility upgrades to 20% of the cost of your project on items in the following order of priority. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:

- 1 An accessible building entrance and an accessible path of travel to this entrance from the public way and the disabled parking stall.
- 2 An accessible route of travel from the accessible building entrance to the area of alteration, structural repair, or addition.
- 3 At least one accessible restroom for each sex serving the area of alteration, structural repair, or addition.
- 4 Accessible telephones, if provided, serving the area of alteration, structural repair, or addition.
- 5 Accessible drinking fountains, if provided, serving the area of alteration, structural repair, or addition.
- 6 When possible, additional accessible elements such as parking, storage and alarms.

In addition to requirements contained in the 2010 CBC, there are several other codes, laws and standards that contain specific requirements for the design and construction and modification of existing buildings which are intended to provide access for those with physical disabilities. The Americans with Disabilities Act, (ADA), The Federal Fair Housing Standards Act of 1988 (FFHA), Architectural Barriers Act of 1968, American National Standards (UFAS), 1973 Rehabilitation Act, the Unruh Civil Rights Act of 1968. These are examples of other laws and standards intended to promote incorporation of physical access components in the design and remodel of existing buildings. These laws, codes and standards contain some of the same requirements found in Chapters 11A and 11B of the 2010 CBC and may contain requirements more restrictive than those found in the 2010 CBC. These laws, codes and standards are typically not enforced by local building departments although this does not relieve architects, contractors, building owners, business owners, landlords and others from being aware of, designing, constructing, and complying with these requirements. Some of the other laws, codes and standards such as “ADA” are civil laws which address the civil rights of people with disabilities throughout the United States and are enforced through the courts.

Building Permit #: _____



APPLICATION FOR UNREASONABLE HARDSHIP EXCEPTION TO DISABLED ACCESS REQUIREMENTS

Project Address, including suite number	Parcel Number
Project Name/Description	Total Construction Cost (Project Valuation) \$ _____

It is requested that the above project be granted an exemption from the requirements of the State of California Title 24, Accessibility Regulations, as specifically listed below. The specific accessibility features that create a hardship may be exempted but not all of them. The area of alteration itself cannot be exempted.

Access Feature Item	Does this feature meet T24's latest edition?	If not, is this feature going to be made accessible as part of this permit?	If so, what is the cost for making this feature accessible? <u>Attach supporting documentation</u>
1. Path of travel to entrance			\$
2. Entrance to building			\$
3. Path of travel within building/facility to area of remodel			\$
4. Elevator			\$
5. Restrooms			\$
6. Public telephones (if provided)			\$
7. Drinking fountain (if provided)			\$
8. Other (Parking, Signage, etc.)			\$
Total cost of access features provided (A)			\$
Total cost of construction of this project and all other work performed over the last three years in this tenant space (B)			\$
Percent of total cost of project (20% minimum): (A÷B) X 10			%
Description of access features to be provided:			

This exception does not relieve the responsible parties from complying with the Federal American with Disabilities Act (ADA).

APPLICANT INFORMATION	
Name (Print)	Signature
Company Name/Title	Company Address
STAFF USE ONLY	
Staff Person/Title	Approval Recommended (Y/N)
Building Official (Sign & Date)	Approved/Denied