



ACCESSIBILITY HARDSHIP APPLICATION FORM

Neighborhood
Services

Effective: January 20, 2015
Revised: June 20, 2018

Date: _____

Applicant Name: _____ Permit No: _____

Project Address: _____ APN: _____

I, _____, as the applicant for construction at the above site, hereby request approval for unreasonable hardship for accessibility requirements per California Code of Regulations Title 24 Part 2 Section 11B-202.4 ex. 8. as follows:

11B-202.4 Path of travel requirements in alterations, additions and structural repairs. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel shall include:

1. A primary entrance to the building or facility,
2. Toilet and bathing facilities serving the area,
3. Drinking fountains serving the area,
4. Public telephones serving the area, and
5. Signs.

Exceptions:

1. Residential dwelling units shall comply with Section 11B-233.3.4.2
2. If the following elements of a path of travel have been constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the California Building Code, it shall not be required to retrofit such elements to reflect the incremental changes in this code solely because of an alteration to an area served by those elements of the path of travel:
 1. A primary entrance to the building or facility,
 2. Toilet and bathing facilities serving the area,
 3. Drinking fountains serving the area,
 4. Public telephones serving the area, and
 5. Signs.

Note: The language in this exception, which refers to the “immediately preceding edition of the California Building Code,” shall permit a reference back to one CBC edition only and is not accumulative to prior editions.

3. Additions or alterations to meet accessibility requirements consisting of one or more of the following items shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4:
 1. Altering one building entrance.
 2. Altering one existing toilet facility.
 3. Altering existing elevators.
 4. Altering existing steps.
 5. Altering existing handrails.

ACCESSIBILITY HARDSHIP APPLICATION FORM

4. Alterations solely for the purpose of barrier removal undertaken pursuant to the requirements of the Americans with Disabilities Act (Public Law 101-336, 28 C.F.R., Section 36.304) or the accessibility requirements of this code as those requirements or regulations now exist or are hereafter amended including, but not limited to, one or more of the following items shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4:
 1. Installing ramps.
 2. Making curb cuts in sidewalks and entrance.
 3. Repositioning shelves.
 4. Rearranging tables, chairs, vending machines, display racks, and other furniture.
 5. Repositioning telephones.
 6. Adding raised markings on elevator control buttons.
 7. Installing flashing alarm lights.
 8. Widening doors.
 9. Installing offset hinges to widen doorways.
 10. Eliminating a turnstile or providing an alternative accessible route.
 11. Installing accessible door hardware.
 12. Installing grab bars in toilet stalls.
 13. Rearranging toilet partitions to increase maneuvering space.
 14. Insulating lavatory pipes under sinks to prevent burns.
 15. Installing a raised toilet seat.
 16. Installing a full-length bathroom mirror.
 17. Repositioning the paper towel dispenser in a bathroom.
 18. Creating designated accessible parking spaces.
 19. Removing high-pile, low-density carpeting.
5. Alterations of existing parking lots by resurfacing and/or restriping shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4.
6. The addition or replacement of signs and/or identification devices shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4.
7. Projects consisting only of heating, ventilation, air conditioning, reroofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by this code, such as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals and office equipment shall not be required to comply with Section 11B-202.4 unless they affect the usability of the building or facility.
8. When the adjusted construction cost, as defined, is less than or equal to the current valuation threshold, as defined, the cost of compliance with Section 11B-202.4 shall be limited to 20 percent of the adjusted construction cost of alterations, structural repairs or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20 percent, compliance shall be provided to the greatest extent possible without exceeding 20 percent.

When the adjusted construction cost, as defined, exceeds the current valuation threshold, as defined, and the enforcing agency determines 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 of alterations, structural repairs or additions. The details of the finding of unreasonable hardship shall be recorded and entered into the files of the enforcing agency and shall be subject to Chapter 1, Section 1.9.1.5, Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification. For the purposes of this exception, the adjusted construction cost of alterations, structural repairs or additions shall not include the cost of alterations to path of travel elements required to comply with Section 11B-202.4.

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 entrance;
2. An accessible route to the altered area;
3. At least one accessible restroom for each sex or one accessible unisex (single-user or family) restroom;
4. Accessible telephones;
5. Accessible drinking fountains; and
6. When possible, additional accessible elements such as parking, signs, storage and alarms.

If an area has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area or a different area on the same path of travel are undertaken within three years of the original alteration, the total cost of alterations to the areas on that path of travel during the preceding three-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

9. Certain types of privately funded, multistory buildings and facilities were formerly exempt from accessibility requirements above and below the first floor under this code, but as of April 1, 1994 are no longer exempt due to more restrictive provisions in the federal Americans with Disabilities Act. In alteration projects involving buildings and facilities previously approved and built without elevators, areas above and below the ground floor are subject to the 20-percent disproportionality provisions described in Exception 8, above, even if the value of the project exceeds the valuation threshold in Exception 8.

The types of buildings and facilities are:

1. Office buildings and passenger vehicle service stations of three stories or more and 3,000 or more square feet (279 m²) per floor.
2. Offices of physicians and surgeons.
3. Shopping Centers.
4. Other buildings and facilities three stories or more and 3,000 or more square feet (279 m²) per floor if a reasonable portion of services sought and used by the public is available on the accessible level.

For the general privately funded multistory building exception applicable to new construction and alterations, see Section 11B-206.2.3, Exception 1.

The elevator exception set forth in this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements in this code. For example, floors above or below the accessible ground floor must meet the requirements of this section except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor.



ACCESSIBILITY HARDSHIP APPLICATION FORM

Neighborhood Services

Effective: January 20, 2015
Revised: June 20, 2018

10. Alterations solely for the purpose of installing electric vehicle charging stations (EVCS) at facilities where vehicle fueling, recharging, parking or storage is a primary function shall comply with Section 11B-202.4 to the maximum extent feasible without exceeding 20 percent of the cost of the work directly associated with the installation of EVCS. Alterations solely for the purpose of installing EVCS at facilities where vehicle fueling, recharging, parking or storage is not a primary function shall not be required to comply with Section 11B-202.4

INSTRUCTIONS

As applicant for this project, you must provide the information requested on page 2 of this application for City review of your request for "Unreasonable Hardship". All requested estimates for construction shall be completed by the licensed contractor chosen to perform the work on this project. Information and estimates shall be accurate and complete; incomplete applications will delay processing.

I. PLEASE PROVIDE THE NAMES OF ALL PERSONS RESPONSIBLE FOR THIS PROJECT.

Contractor: _____	Property Owner: _____
Firm _____	Firm _____
Address _____	Address _____
Phone _____	Phone _____
Signature _____	Signature _____

Applicant: _____	Tenant: _____
Firm _____	Firm _____
Address _____	Address _____
Phone _____	Phone _____
Signature _____	Signature _____

II. UNREASONABLE HARDSHIP DETERMINATION:

1. Total cost of construction (w/o accessibility features) \$ _____
(An estimate itemizing the cost of construction shall be attached.)

2. Total cost of accessible features to provide full compliance..... \$ _____
(An estimate itemizing the cost of each accessible feature shall be provided.)

3. Access features which will not be provided and reason (Provide additional sheets if needed)



ACCESSIBILITY HARDSHIP APPLICATION FORM

Neighborhood Services
Effective: January 20, 2015
Revised: June 20, 2018

III. ACCESSIBLE FEATURES TO BE PROVIDED: III. ACCESSIBLE FEATURES TO BE PROVIDED:

1. An unreasonable hardship exemption requires the applicant to apply 20% of the total cost in Item #1 of Section II above toward accessibility features.

Specify 20% of Item #1 in Section II above \$ _____

2. The 20% figure identified above shall be used to provide accessibility features in the building. The list below prioritizes how the money is to be allocated, Item "A" being the highest priority, "F" being the lowest.

On a separate sheet of paper, please provide a cost estimate which itemizes the features within each of the priority items listed below. The sum total of this itemization shall be listed below. The sum total of this itemization shall be listed on the line provided for each priority item.

A. An accessible entrance..... \$ _____

B. An accessible route to altered area \$ _____

C. An accessible restroom for each sex or one accessible unisex (single user or family) restroom.....
..... \$ _____

D. Accessible telephones..... \$ _____

E. Accessible drinking fountains, and..... \$ _____

F. When possible, additional elements such as parking, signs, storage and alarm.. \$ _____

Total (should be greater than or equal to item III 1.): \$ _____

----- **FOR CITY USE ONLY** -----

This documentation and determination of unreasonable hardship was considered in consultation with:

Application is: Approved Not Approved

By: _____
Building Official

Date: _____