



Construction Hardship Request Form

Background

The provisions of Section 11B-202.4 Exception 8 apply to existing buildings or facilities used as public buildings, public accommodations, commercial buildings or public housing. When these buildings or facilities undergo alterations, structural repairs, or additions, an accessible path of travel must be provided to the specific area of construction.

When the adjusted construction cost¹ of alterations, structural repairs, or additions to existing buildings and facilities within three years of the original alteration exceeds a valuation threshold of **\$203,611.00**, the cost of compliance with Section 11B-202.4 Exception 8 of the 2022 California Building Code shall be a **minimum of 20%** of the adjusted construction cost of alterations, structural repairs or additions.

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 area of alteration, structural repair, or addition (see definition of accessible route Section 202 & 11B-206.2.1 for more information on accessible routes and site arrival points);
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; and
6. When possible, additional accessible elements such as additional parking, storage, signs and alarms.

NOTE: If all the existing elements listed above comply with the accessible features and meet the current edition of the CBC, an unreasonable hardship is **not** applicable to this property/project. The second page provides an example showing a Summary of Accessibility Upgrades.

¹ Adjusted cost of construction does not include the cost of alterations to path of travel elements required to be upgraded outside the area of alteration, structural repair, or addition.

Required Forms

- ✓ Please complete the attached application, prepare a site and floor plan of the existing and proposed accessibility improvements along the accessible route to the area of alteration that shall be submitted to the Building Division in duplicate, prior to completing the plan review. One copy of the approval or denial of the form will be returned to the applicant.
- ✓ Please note that this request for hardship is subject to approval by the Chief Building Official.
- ✓ Additionally, barrier removal is ongoing obligation for ADA and this application does not exempt the applicant of any obligations to removing barriers in a reasonable time frame and by signing this report you understand that this 20% is for this addition/alteration alone.
- ✓ Provide a complete narrative description of your project including the estimated construction costs. Letter must be on a company letterhead and prepared by the contractor.

Summary of Accessibility Upgrades for Commercial Projects

* 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.

Project Address:		Application No.:	
Project Description/Location:		Permit Valuation: \$	
Type: <input type="checkbox"/> Alteration <input type="checkbox"/> Structural Repair <input type="checkbox"/> Addition		*Adjusted Cost of Proposed Construction: \$	
1. Please indicate the specific applicable code section and exception from CBC Chapter 11B for this unreasonable hardship request: (Use a separate form for each separate code section).			
2. Description of how the proposed features will meet the exception provision(s) of the referenced code section:			
3. Describe the nature of the use of the subject facility and the extent it is available to the public:			
4. Proportionate cost analysis (attach documentation):			
1) Cost of making the feature(s) accessible (excluding accessible upgrades not located within the actual area of work) <i>[Attach documentation]</i>		\$	_____
2) Total cost of proposed work under this permit.....		\$	_____
3) Total cost of improvements at the subject site for the last three years		\$	_____
Total costs (add lines 2 and 3)			
4) The access features increase the cost of construction by (percentage of construction cost on line 2)			_____ %
Signatures: I hereby acknowledge that the above is true to the best of my knowledge. As the owner of the property or tenant space, or an authorized agent representing the owner, by signing below I am acknowledging that I understand that although the project is in compliance with the California Building Code requirements, the limited disabled access upgrades shown on this form will not limit or absolve my liability under the American's with Disability Act. I certify that the above information is true and correct to the best of my knowledge and belief.			
Signature:	_____	Date: / /	Company: _____
Name: (print)	_____		Address: _____
Title:	_____		City, State Zip: _____
Agent for:	<input type="checkbox"/> Owner <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Contractor		Phone No.: _____
For Building Official Use Only			
Approved by: _____		Title: _____	Date: / /