GUIDELINES FOR REQUESTING DETERMINATION OF UNREASONABLE HARDSHIP FOR BUILDING CODE DISABLED ACCESS REGULATIONS

Types of Projects Which May Apply for Exceptions to the Standards

Type I - Projects with Project Construction Cost Less than Valuation Threshold. An exception may be approved for alterations, structural repairs or additions when the project construction cost is below the Valuation Threshold of $170,466., the Building Official finds that compliance with the Code creates an unreasonable hardship, and the cost of providing complete access exceeds 20% of the cost of the project without access features. In this case, a hardship can be determined for a primary entrance to the building or facility including the path of travel to the public way, toilet and bathing facilities serving the area, drinking fountains serving the area, public telephones serving the area, signs and parking. The area of remodel is not exempted from full compliance. When the project construction cost is greater than the valuation threshold or the cost to provide complete access does not exceed 20% of the project cost, a finding of unreasonable hardship cannot be made and full compliance is required. Up to 20% of the project cost must be expended towards providing access in accordance with the following prioritized order: 1) A primary entrance to the building or facility including the path of travel to the public way, 2) toilet and bathing facilities serving the area, 3) drinking fountains serving the area, 4) public telephones serving the area, 5) signs and 6) parking on site.

Type II - Projects Meeting Code-Specified Equivalent Facilitation Provisions. Regardless of the Project Construction Cost, the Code has exceptions that allow for Code-specified equivalent facilitation provisions to be used in lieu of full compliance when the Building Official determines that an unreasonable hardship exists and the Code-specified equivalent facilitation provisions are incorporated into the Proposed Construction Plans.

Type III - Projects Meeting Code-Unspecified Equivalent Facilitation Provisions. Regardless of the Project Construction Cost, the Code provides exceptions that allow for Code-unspecified equivalent facilitation provisions to be used in lieu of providing full compliance upon a finding of an unreasonable hardship by the Building Official. These projects must be reviewed by the Building Official to determine if they provide equivalent facilitation or not. These projects are reviewed on a case-by-case basis and may require specific interpretation of equivalent facilitation by the Office of the State Architect, Access Compliance Unit.

Type IV - Projects meeting specific exception requirements without need for equivalent facilitation or unreasonable hardship determination.

Information to Be Submitted by Applicant

Applicant shall submit one of the following two applications:

1. If the Project is of Type I, the applicant must complete and submit FORM A, APPLICATION FOR UNREASONABLE HARDSHIP BASED UPON CONSTRUCTION COST LESS THAN VALUATION THRESHOLD. In addition, the following information must be submitted with the application:
   a. Project Construction Cost Estimate
   b. Proposed Compliance Plans & Proposed Compliance Cost Estimate

2. If the Project is of Type II, III OR IV, the applicant must complete and submit FORM B, APPLICATION FOR GRANTING OF EXCEPTION(S) TO DISABLED ACCESS REGULATIONS. Where the exception requires evaluation of an unreasonable hardship case, then the following additional information must be submitted with the application:
   a. Project Construction Cost Estimate
   b. Full Compliance Plans & Full Compliance Cost Estimate
   c. Proposed Compliance Plans & Proposed Compliance Cost Estimate

Please refer to the definitions on the back side.
Definitions

Full Compliance Cost Estimate
Cost estimate for providing full access compliance assuming that an unreasonable hardship was not requested or granted by the Building Official. This cost estimate shall be based on the Full Compliance Plans. The cost estimate must be prepared by a licensed contractor or an architect or engineer in the form of an itemized list. The itemized list must be sufficiently detailed to allow the Building Official to see clearly the cost breakdown and perform cost comparisons between the Full Compliance and Proposed Compliance Cost Estimates.

Full Compliance Plans
Construction plans which show fully complying access in all respects. The plans must clearly distinguish between existing conditions (which already meet the present regulations) and work that must be completed to meet the present regulations using the least expensive means of compliance. These plans form the basis for the Full Compliance Cost Estimate.

Project Construction Cost
The cost of the job without providing the accessibility features. This must be prepared by a licensed contractor or an architect or engineer. A Contractor's, Architect's or Engineer's detailed cost estimate of all construction contemplated without any of the accessibility features. This will be compared against the current valuation threshold.

Proposed Compliance Cost Estimate
Cost estimate for providing the proposed scope of work assuming an unreasonable hardship is granted by the Building Official. This cost estimate shall be based on the Proposed Compliance Plans. The cost estimate must be prepared by a licensed contractor, architect, or engineer in the form of an itemized list. The itemized list must be sufficiently detailed to allow the Building Official to see clearly the cost breakdown and perform cost comparisons between the Full Compliance and Proposed Compliance Cost Estimates.

Proposed Compliance Plans
Construction plans which show the proposed scope of work assuming a unreasonable hardship is granted by the building official.

The Code
Those sections of the California Building Code specifically adopted by the Office of the State Architect Access Compliance Unit.

Unreasonable Hardship
An unreasonable hardship exists when the Building Official finds that compliance with the building standard would make the specific work of the project affected by the building standards unfeasible, based upon an overall evaluation of the following factors:
1. The cost of all construction contemplated.
2. The cost of providing access.
3. The impact of the proposed improvements on the financial feasibility of the project.
4. The nature of the accessibility that would be gained or lost.
5. The nature of the use of the facility under construction and its availability to handicapped persons.

Valuation Threshold
The current Valuation Threshold is based on the January 2020 edition of the Engineering News Records' US20 Cities average construction cost index: \((11496.31/3372.02) \times 50,000 = 170,466\).
FORM A  
CITY OF WALNUT CREEK, COMMUNITY DEVELOPMENT DEPARTMENT  
APPLICATION FOR UNREASONABLE HARDSHIP DETERMINATION  
BASED UPON PROJECT CONSTRUCTION COST LESS THAN VALUATION THRESHOLD  

PROJECT INFORMATION  
Name____________________________________________ Building Permit Application No._______________________  
Address________________________________________________________________________________________________  

APPLICANT INFORMATION  
Name______________________________________________________________  Phone__________________________________  
Address___________________________________________________________    Fax__________________________________  
City/State/Zip____________________________________________________  

COST ESTIMATES  
Total PROJECT CONSTRUCTION COST (w/o providing the accessibility features)......$______________________________  
Provide cost estimates for providing the following elements:  

<table>
<thead>
<tr>
<th>Cost Estimate</th>
<th>% of Project Const. Cost</th>
<th>Cumulative % of Const. Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. An accessible entrance</td>
<td>$______________________</td>
<td>___________%</td>
</tr>
<tr>
<td>2. An accessible route to the altered area</td>
<td>$______________________</td>
<td>___________%</td>
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<tr>
<td>3. At least one accessible restroom for each sex</td>
<td>$______________________</td>
<td>___________%</td>
</tr>
<tr>
<td>4. Accessible telephones</td>
<td>$______________________</td>
<td>___________%</td>
</tr>
<tr>
<td>5. Accessible drinking fountains</td>
<td>$______________________</td>
<td>___________%</td>
</tr>
<tr>
<td>6. Additional accessible elements such as parking, storage and alarms</td>
<td>$______________________</td>
<td>___________%</td>
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</tbody>
</table>

A minimum of 20% of the total PROJECT CONSTRUCTION COST, as written above, must be spent on the above access features. If the cost of providing all of the above access features exceeds 20%, then only those accessibility features associated with a cumulative percentage greater than 20% of the PROJECT CONSTRUCTION COST may be excluded from the project. Priority shall be given to these access features in the order shown above.  

The accessibility features to be exempted under this finding of unreasonable hardship are the following checked-off items which exceed 20% of the Project Construction Cost, as noted above:  

[ ]  An accessible entrance  
[ ]  An accessible route to the altered area  
[ ]  At least one accessible restroom for each sex  
[ ]  Accessible telephones  
[ ]  Accessible drinking fountains  
[ ]  Additional accessible elements such as parking, storage and alarms  

REQUIRED SIGNATURES  
Applicant_______________________________________________________________  Date___________________  
Building Owner__________________________________________________________  Date___________________  

Approved By:  
Building Official_______________________________________________________  Date___________________
PROJECT INFORMATION

Name____________________________________________ Building Permit Application No._______________________

Address___________________________________________________________________________________________

APPLICANT INFORMATION

Name______________________________________________________________  Phone__________________________________

Address___________________________________________________________    Fax__________________________________

City/State/Zip____________________________________________________

EXCEPTION(S) TO DISABLED ACCESS REGULATIONS FOR WHICH THIS APPLICATION APPLIES

<table>
<thead>
<tr>
<th>Building Code Section</th>
<th>Exception #</th>
<th>Requires Determination of Unreasonable Hardship? Yes</th>
<th>No</th>
<th>Requires Equivalent Facilitation? Code-Specified Yes</th>
<th>No</th>
<th>Non-Code Specified Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
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<td>Yes</td>
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</tbody>
</table>

UNREASONABLE HARDSHIP DISCUSSION

1. Total Cost of Providing Disabled Access (attach itemized cost estimate) $______________________________

2. Total PROJECT CONSTRUCTION COST (w/o providing the accessibility features)$______________________________

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:

____________________________________________________________________________________________________________

____________________________________________________________________________________________________________

____________________________________________________________________________________________________________

____________________________________________________________________________________________________________

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

____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________

5b. What is its availability to persons with disabilities:

____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________

NON-CODE SPECIFIED EQUIVALENT FACILITATION TO BE PROVIDED

Describe in detail the means by which non-code specified equivalent facilitation will be provided:

____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________

REQUIRED SIGNATURES

Requestor:

Applicant____________________________________________________________  Date___________________

Building Owner_____________________________________________________  Date___________________

Approved by:

Building Official___________________________________________________  Date___________________

Conditions of Approval:

____________________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________