

COUNTY OF SANTA CRUZ PLANNING DEPARTMENT

APPLICATION FOR UNREASONABLE HARDSHIP EXCEPTION

January 2008

Date Received (Staff): _____ Accepted by (Staff): _____

APN _____ Application No. _____ Permit No. _____

DOCUMENTATION OF UNREASONABLE HARDSHIP

Project Name: _____

Project Address: _____

Owner: _____ Telephone: _____

Designer: _____ Telephone: _____

I DECLARE that an unreasonable hardship exists and that compliance with the building standard would make the specific work of the project affected by the building standard unfeasible. In support of the application, the following information establishes the grounds for a hardship exception under 2007 CBC 113413.2.1 ex1 and 2 (refer page 3).

I HEREBY REQUEST AN UNREASONABLE HARDSHIP EXCEPTION from the following specified accessibility requirements, identified as follows:

1. State the cost of providing access (provide signed contractor's bid) \$ _____
2. State the cost of all construction contemplated (provide signed bid) \$ _____
3. The accessible feature increases the cost of construction by: % _____
4. State the impact of proposed improvements on financial feasibility of the project:

5. State the nature of the accessible feature(s) that are to be considered for exception:

6. State the nature of the use of the facility under construction and its availability to disabled persons: _____

7. State the alternative features to be provided that are equivalent to the access features that you are requesting to be waived. _____

8. State any other justification for hardship exception: _____

I further acknowledge that if the exception being requested is for improvements along the route of travel for an alteration project (existing building) of minor valuation (<\$126,764.67) or to alter an area previously exempt from accessibility requirements under California law, that I will expend as much as 20% of the valuation of the project (not including costs for requirements in the area of remodel) to improve access along the route of travel as required by CBC 1134B, Exceptions 1 and 2 (refer page 3).

The following individuals provided information listed in the above section:

Designer

Owner(s)

Address

Address

Signature

Signature

Date

Date

APPROVED

DENIED

Building Official signature Date

ONLY THE ITEMS SPECIFIED ABOVE CAN BE EXCLUDED AND NOT ANY OTHER ACCESS FEATURES.

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SECTION 202 DEFINITIONS

[For DSA/AC] UNREASONABLE HARDSHIP exists when the enforcing agency finds that compliance with the building standard 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. The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.*

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Division IV – ACCESSIBILITY FOR EXISTING BUILDINGS

Note: This division replaces Appendix Chapter 11, Division II, for use in California.

SECTION 1134B – ACCESSIBILITY FOR EXISTING BUILDINGS

1134B.1 Scope. *The provisions of this division apply to renovation, structural repair, alteration and additions to existing buildings, including those identified as historic buildings. This division identifies minimum standards for removing architectural barriers, and providing and maintaining accessibility to existing buildings and their related facilities.*

1134B.2 General. *All existing buildings and facilities, when alterations, structural repairs or additions are made to such buildings or facilities, shall comply with all provisions of Division I, New Buildings, except as modified by this division. These requirements shall apply only to the area of specific alteration, structural repair or addition and shall include those areas listed below:*

1134B.2.1 *A primary entrance to the building or facility and the primary path of travel to the specific area of alteration, structural repair or addition, and sanitary facilities, drinking fountains, signs and public telephones serving the area.*

EXCEPTIONS:

1. *When the total construction cost of alterations, structural repairs or additions does not exceed a valuation threshold of \$50,000, based on January 1981, "ENR US20 Cities" Average construction cost index of 3372.02 (Engineering News Record, McGraw Hill Publishing Company), and the enforcing agency finds that compliance with this code creates an unreasonable hardship, compliance shall be limited to the actual work of the project. The enforcing agency shall annually update the valuation threshold to a current amount based on the increase in the index since the last figure used. (For example, the January 2009 amount is \$126,764.67.) For purposes of this exception, an unreasonable hardship exists where the cost of providing an accessible entrance, path of travel, sanitary facilities, public phones and drinking fountains, is disproportionate to the cost of the project; that is, where it exceeds 20 percent of the cost of the project without these features. Where the cost of alterations necessary to make these features fully accessible is disproportionate, access shall be provided to the extent that it can be without incurring disproportionate cost. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:*

- 1.1 *An accessible entrance,*
- 1.2 *An accessible route to the altered area,*
- 1.3 *At least one accessible restroom for each sex,*
- 1.4 *Accessible telephones,*
- 1.5 *Accessible drinking fountains, and*
- 1.6 *When possible, additional accessible elements such as parking, storage and alarms.*

The obligation to provide access may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking. 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. Only alterations undertaken after January 26, 1992, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

2. *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 the effective date of this regulation 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 1, above, even if the value of the project exceeds the valuation threshold in Exception 1. The types of buildings and facilities are:*

- 2.1 *Office buildings and passenger vehicle service stations of three stories or more and 3,000 or more square feet (279m2) per floor.*
- 2.2 *Offices of physicians and surgeons.*
- 2.3 *Shopping centers.*
- 2.4 *Other buildings and facilities three stories or more and more than 3,000 square feet (279 m2) per floor if a reasonable portion of services sought and used by the public is available on the accessible level.*

NOTE: *For the general privately funded multistory building exception applicable to new construction and alterations, see Section 1103B.1, *Exception 2.1.*

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