



Development Service Center

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Accessibility Unreasonable Hardship

Purpose: When improvements are made to existing buildings or facilities of public accommodations, the California Building Code requires that an accessible path of travel to the specific area of alteration and/or addition be provided. Non-complying elements within the accessible path of travel shall be upgraded to meet current code provisions.

CBC§11B-202.4, Exception 8 allows for an exemption to full-compliance of accessible path of travel. To qualify for the exception, (1) an unreasonable hardship must exist. (2) the project's Adjusted Construction Valuation must exceed the current year's valuation threshold, and (3) additional elements/features, existing or proposed, must demonstrate compliance by equivalent facilitation or to the greatest extent feasible. For projects meeting this criteria, the costs to upgrade the accessible path of travel will be limited to 20% of the project's Adjusted Construction Cost/Valuation.

Application: Alterations, additions, and structural repairs to existing buildings or facilities of public accommodations with an Adjusted Construction Cost/Valuation exceeding the current valuation threshold of **\$186,172.00** as of January 1st, 2022, as determined by the Division of the State Architects. <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Access-Compliance-Reference-Materials#@ViewBag.JumpTo>

Definitions:

Accessible Path of Travel (As applied in CBC§11B-202.4) - An identifiable accessible route within an existing site, building, or facility by means which a particular area(s) may be approached, entered, and exited, and which connects to a particular area with an exterior approach (including sidewalks, streets, and parking areas). The accessible route, for the purpose of this section, 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
5. Signs

Adjusted Construction Cost/Valuation - The cost of construction for alterations, structural repairs, and additions of the current project not including the cost of construction for altering the path of travel. If the path of travel is not being altered by previous alterations to meet accessible provisions of the code, the total cost of alterations to the areas on the same path of travel during the preceding there-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

Equivalent Facilitation - The use of design, products, or technologies, as alternatives to those prescribed, resulting in substantially equivalent or greater accessibility and usability.

Unreasonable Hardship - 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 infeasible, based on 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.

APPLICATION: Unreasonable Hardship Request

VALUATION THRESHOLD AMOUNT: \$186,172.00

Year: 2022

Project Information

Project Address	Permit No.	
Business Name	Project Valuation	
Requestor's Name	Role (Architect, Owner, Tenant)	Phone
Address	City	Zip

The access feature(s) that will not be provided is(are):

<input type="checkbox"/> Accessible entrance <input type="checkbox"/> An accessible route to the area of remodel <input type="checkbox"/> Accessible restroom	<input type="checkbox"/> Accessible public telephones <input type="checkbox"/> Accessible drinking fountains <input type="checkbox"/> Accessible parking, signs, storage and alarms
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Justification *(Attach supporting documentations, code exceptions, photos, analysis, etc.)*

PATH OF TRAVEL REQUIREMENTS FOR AREA OF ALTERATION, STRUCTURAL REPAIR, OR ADDITION

Accessible Features	Does existing feature meet accessibility standards of Chapter 11B of current CBC?		Will this feature be replaced or altered to meet Chapter 11B of current CBC		If so, how much will be spent to make this feature accessible?
1. Accessible entrance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
2. Accessible route to the altered area	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3. Accessible restroom for each sex or unisex restroom	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4. Accessible public telephones	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
5. Accessible drinking fountains	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
6. Other (any of the blow)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
A. Accessible parking spaces	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
B. Signs	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
C. Storage and Alarms	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
D. Other accessible elements	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Cost of all features provided	Summary of costs of Accessible Features #'s 1-6 provided	A	
	Total cost of alterations (preceding 3-year period)	B	
Total adjusted costs of construction	Construction cost for all proposed work on this permit application except Accessible Features 1-6 provided above	C	
Percentage upgrades provided	Cost of all features provided / total adjusted cost on same path of travel; $[(A \div (B + C)) \times 100]$	D	

I, the undersigned, request that this project be granted an exception from this specified accessibility requirement(s) of CBC§11B-202.4 because compliance would create an unreasonable hardship as defined. I certify that the information provided on this application is true and accurate to the best of my knowledge.

FOR CITY OF GILROY BUILDING DIVISION STAFF USE ONLY	
PROJECT INFORMATION	
Project Address	Permit No.
Business Name	Project Valuation

Decision:

The request for unreasonable hardship is: **APPROVED** **DENIED**

Reason(s) for denial:

- No unreasonable hardship exists.
- The project's Adjusted Construction Cost/Valuation does not exceed the current year's valuation threshold.
- Additional elements/features, existing or proposed, does not demonstrate compliance by equivalent facilitation or to the greatest extent feasible.
- The costs to upgrade the accessible path of travel is less than the required 20% of the project's construction costs/valuation.
- Other: _____

Building Official Signature

Print

Date