

Application for Unreasonable Hardship Determination for Accessibility Upgrades - Over Valuation Threshold

BPC-032

❖ **Purpose:** When improvements are made to existing commercial and multi-family structures, Section 202 of the 2010 California Building Code (CBC) allows for an exception in-lieu of bringing the entire structure up to compliance with current code standards for accessibility. To qualify for the exemptions, an unreasonable hardship must exist, and the project's total valuation (including the cumulative valuation projects within a 3 year period) must exceed the current year's valuation threshold. Refer to PRMD policies [9-4-8](#) 'Accessibility Detail Requirements on Tenant Improvement Plans' and [9-4-13](#) 'Accessibility Detail Requirements on Tenant Improvement Plans for County of Sonoma Agency Projects'. ❖

VALUATION THRESHOLD AMOUNT: \$136,060

YEAR: 2012

To Apply: The owner/applicant shall have their design professional (licensed architect or civil engineer) complete and submit this form to PRMD Plan Check staff who will forward the hardship request to the Building Official for a determination. A review fee is required for this service.

PROJECT INFORMATION

Date

Site Address

Building Permit Number

City

Zip

Owner/Applicant

Design Professional

Telephone number

Telephone number

Definition of Unreasonable Hardship

CBC SECTION 202 Unreasonable Hardship exists when the enforcing agency finds that compliance with the building standards 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.

List applicable sections below for which either an unreasonable hardship exception or a request for equivalent facilitation is being requested:

Chapter 11 Applicable Section	Requires Determination of Unreasonable Hardship	OR	Request for Equivalent Facilitation

UNREASONABLE HARDSHIP DETERMINATION (add additional sheets as required)

1. Total Cost of providing access (attach itemized cost estimate): \$ _____

2. Total project construction cost: \$ _____

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 the availability of facility or facilities to persons with disabilities?

EQUIVALENT FACILITATION REQUESTED TO BE PROVIDED

Describe in detail, the means by which equivalent facilitation will be provided (reference applicable details on construction documents):

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 20____

Owner/Applicant (please print) _____

Design Professional (please print) _____

Signature _____

Signature _____

Date _____

Date _____

Note: The County will not check the plans for compliance with the Americans with Disabilities Act (ADA). It is the Owner's responsibility to insure compliance with these regulations. The County does not have any legal authority to enforce or interpret the ADA regulations with regard to private facility plan checks (**except to the extent that it enforces Civil Code sections 54 and 54.1 as to facilities it owns or leases**). Note, however, that the State of California has incorporated many, **but not all**, of the ADA provisions into Title 24 effective April 1, 1994.

----- **DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff** -----

An application for a hardship exception has been filed with this office. The following action was taken:

- The above named project has been **denied** an unreasonable hardship exemption under Section 1134B.2.1 2010 CBC. Reason(s): _____
- The above named project has been **granted** an unreasonable hardship exemption from the requirements of the State of California CCR-Title 24 (Regulation for the Accommodation for the Disabled) pursuant to Section 1134B.2.1 2010 CBC.

Conditions of Approval:

Date of Approval / Denial _____

BLD Permit Number _____

DeWayne Starnes, Building Official - Signature _____