

	<p><b>CITY OF DANA POINT</b></p> <p><b>COMMUNITY DEVELOPMENT, BUILDING AND SAFETY</b></p> <p>33282 Golden Lantern, Suite 209  Dana Point, CA 92629  (949) 248-3594</p> <p><a href="http://www.danapoint.org">www.danapoint.org</a></p>	<p><b>A002 - HARDSHIP</b></p>
		<p><b>2019 CALIFORNIA CODES</b></p> <p>CODE CYCLE</p>
		<p><b>01/02/2020</b></p> <p>EFFECTIVE DATE</p>
<p><b>UNREASONABLE HARDSHIP</b></p>		

**BACKGROUND**

Pursuant to the provisions of the California Building Code (CBC) Chapter 11B, the local Building Official may find an unreasonable hardship exists under certain conditions. The details of any such finding shall be recorded and entered into the files of the local enforcing agency. An unreasonable hardship exists when 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 of persons with disabilities.

Applicants making a case for an unreasonable hardship are required to complete both of the attached forms, as applicable, and submit it to their building plans examiner for consideration.

**APPLICABILITY OF FORMS**

**Form A (Summary of Accessible Upgrades)** is applicable for all existing buildings per CBC 118-202.4 Exception 8. Refer to <http://www.dgs.ca.gov/dsa/Programs/progAccess/threshold.aspx> for current threshold amount.

**Form B (Unreasonable Hardships)** is applicable to projects in existing buildings that exceed the valuation threshold per CBC Section 11B-202.4 (if bringing the building into full compliance will create an unreasonable hardship), Exception 8 or some portions of new construction where specifically allowed in CBC Chapter 118. (Form A is still required w/ Form B).

**SUMMARY OF ACCESSIBLE UPGRADES (FORM A - ATTACHED)**

The provisions of Section 118-202.4 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 cost<sup>1</sup> of alterations, structural repairs, or additions to existing buildings and facilities within three years of the original alteration does not exceed a valuation threshold of \$170,466.00 the

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<sup>1</sup> 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.

cost of compliance with Section 11B-202.4 of the 2019 CBC shall be limited to 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.
7. The second page of this Information Bulletin provides an example showing a Summary of Accessibility Upgrades.



## SUMMARY OF ACCESSIBILITY UPGRADES

**A002 - HARDSHIP -  
FORM A**

<b>Project Address:</b>	<b>Permit No.</b>
<b>Project Description:</b>	<b>Permit Valuation:</b>
Type: <input type="checkbox"/> Alteration <input type="checkbox"/> Structural Repair <input type="checkbox"/> Addition	<b>*Adjusted Cost of Proposed Construction:</b>

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

Accessible Features	Does existing feature meet accessibility standards of Chapter 11B of the current CBC?	Will this feature be replaced or altered to meet Chapter 11B of the current CBC?	If so, how much will be spent to make this feature accessible?
1. Accessible entrance			
2. Accessible route to the altered area			
3. Accessible restroom for each sex or a unisex restroom			
4. Accessible telephones			
5. Accessible drinking fountains			
6. Other (Any of the below)			
A. Accessible parking spaces			
B. Signs			
C. Alarms			
D. Other:			
Cost of All Features Provided (A)	Summary of costs of Accessible Features Nos. 1-6 provided above.		
Adjusted Cost of Proposed Construction (B )	Construction cost for all proposed work on this permit application <b>except</b> Accessible Features Nos. 1-6 provided above.		
Percentage Upgrades Provided (A / B)	Cost of all Features Provided / Total Cost on Same Path of Travel.		

**Description of Access Features Provided:**

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**Applicant Certification**

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: / /
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\*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.



# UNREASONABLE HARDSHIP REQUEST

**A002 - HARDSHIP -  
FORM B**

This form is applicable to projects in existing buildings that exceed the valuation threshold per 2019 CBC Section 11B.202.4, or some portions of new construction where specifically allowed. California Title 24 access regulations allow the Authority Having Jurisdiction (AHJ) to approve certain exceptions and/or approve equivalent facilitation in certain circumstances when a finding of unreasonable hardship is made. The following information is needed to assist the AHJ with your request.

Permit Number \_\_\_\_\_

Project Address \_\_\_\_\_

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):

Cost of making the feature(s) accessible (attach documentation):

(Excluding accessible upgrades not located within the actual area of work) \$ \_\_\_\_\_

Total cost of proposed work under this permit \$ \_\_\_\_\_

Total cost of improvements at the subject side for the last three years \$ \_\_\_\_\_

Total costs (add lines 2 and 3) \$ \_\_\_\_\_

The access features increase the cost of construction by (percentage of construction cost on line 2) \_\_\_\_\_%

Plan Checker Recommendations: \_\_\_\_\_

**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.*

Designer \_\_\_\_\_  
Print Signature Date

Owner \_\_\_\_\_  
Print Signature Date

Building Official \_\_\_\_\_  
Print Signature Date