



Community and Economic Development Department
Building Division
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GUIDELINES FOR REQUESTING EXCEPTIONS TO THE TITLE 24 ACCESS REGULATIONS

Types of Projects Which May Apply for Exceptions to the Standards

Type I - Projects with Project Construction Cost Less than Valuation Threshold. In accordance with the Code, an exception to the Code may be approved for alterations, structural repairs, or additions when the project construction cost is below the Valuation Threshold of \$186,172.00, 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. Under this case, exemptions can only be applied to the primary entrance, path of travel, restrooms, drinking fountains and public phones serving the area of remodel. 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) accessible entrance; 2) accessible route to the altered area; 3) restrooms; 4) telephones; 5) drinking fountains; 6) storage and alarms.

Type II - Projects Meeting Code-Specified Equivalent Facilitation Provisions. Regardless of the Project Construction Cost, the Code provides 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 TITLE 24 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.

ADA Compliance

The City will not check the plans for compliance with the Americans with Disabilities Act (ADA). It is the Owner's responsibility to ensure compliance with these regulations. The City does not have any legal authority to enforce or interpret the ADA regulations. Note, however, that the State of California has incorporated many, if not all, of the ADA provisions into Title 24.

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 an 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 updated January 2022 edition of the Engineering News Records' US20 Cities average construction cost index of 12555.55 [Valuation threshold = $(12555.55/3372.02) \times \$50,000 = \$186,172.00$]

APPLICATION FOR UNREASONABLE HARDSHIP EXCEPTION TO DISABLED ACCESS REQUIREMENTS

Please print legibly or type

Project Address:	Permit #:	Valuation:
Owner:	Telephone:	
Applicant:	Telephone:	
Architect/Designer:	Telephone:	
Email:	Email:	

I. ADJUSTED CONSTRUCTION COST ANALYSIS

Adjusted Construction Cost - exclude the costs of accessibility upgrades listed under **II. ACCESSIBLE ELEMENTS ALONG PATH OF TRAVEL**

1. Adjusted Construction Cost Under this Permit.	\$	
2. Total Adjusted Construction Cost* within the last three years at the Site. For each project along the same Path of Travel over the last three years at this Project Address, list the Permit Number, Project Description, and Adjusted Construction Cost*.		
PERMIT #	PROJECT DESCRIPTION	ADJUSTED CONSTRUCTION
		\$
		\$
		\$
	SUBTOTAL:	\$
3. Add Adjusted Construction Costs from 1 and 2.	TOTAL:	\$
4. Twenty Percent (20%) of 3. Total	20 % OF 3.	\$
<p><i>If 3. Total does not exceed the Valuation Threshold*, allocated 4. 20% of 3. Total toward upgrading the elements listed under the II. ACCESSIBLE ELEMENTS ALONG PATH OF TRAVEL as a part of this permit.</i></p>		
<p><i>If 3. Total exceeds the Valuation Threshold*, prepare fully dimensioned detailed accessible plans showing the site in fully compliance or proposed to be in fully compliance for the listed of items under the II. ACCESSIBLE ELEMENTS ALONG PATH OF TRAVEL and per 2019 CBC Section 11B-202.4.</i></p>		

VALUATION THRESHOLD* BASED ON PROJECT PERMIT	PROJECT INFORMATION
2020	\$170,466
2021	\$172,418
2022	\$186,172

II. ACCESSIBLE ELEMENTS ALONG PATH OF TRAVEL

For each element listed below at the project property, indicate:

- Is the element accessible now? Will the element be made accessible? What is the estimated cost of the alteration?

- If there is no plan to alter an element, leave the cost field blank.

ELEMENT ALONG PATH OF TRAVEL	IS ELEMENT ACCESSIBLE	WILL ELEMENT BE MADE	HARDSHIP REQUESTED? **	ESTIMATED COST OF
1. An accessible entrance	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
2. An accessible route to the altered area	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
3. Accessible restroom	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
4. Accessible drinking fountains	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
5. Accessible parking, signs, storage, and alarms	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
6. Add estimated cost(s) from Lines 1 through 5	TOTAL:			\$

If checked "Yes" under the HARDSHIP REQUESTED Column above, fill out **III. REQUEST FOR UNREASONABLE HARDSHIP below

III. REQUEST FOR UNREASONABLE HARDSHIP - SUBJECT TO REVIEW AND APPROVAL

For each item where hardship requested in **II. ACCESSIBLE ELEMENTS ALONG PATH OF TRAVEL**, provide reason(s) in below table. In addition, the accessible plans shall clearly show how the facility will provide equivalent or to the greatest extent possible without creating an unreasonable hardship per 2019 CBC Section 11B-202.4 Exception 8.

ELEMENT ALONG PATH OF TRAVEL	REASON(S) FOR HARDSHIP REQUEST (e.g. technically infeasible, costs, etc.)	BUILDING DIVISION USE ONLY
1. An accessible entrance		<input type="checkbox"/> Approved <input type="checkbox"/> Denied
2. An accessible route to the altered area		<input type="checkbox"/> Approved <input type="checkbox"/> Denied
3. Accessible restroom		<input type="checkbox"/> Approved <input type="checkbox"/> Denied
4. Accessible drinking fountains		<input type="checkbox"/> Approved <input type="checkbox"/> Denied
5. Accessible parking, signs, storage, and alarms		<input type="checkbox"/> Approved <input type="checkbox"/> Denied

IV. DECLARATION AND SIGNATURES

I hereby affirm that the information provided on this form is true to the best of my knowledge. As the owner or authorized agent of the property or tenant space, by signing below I acknowledge 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 Americans with Disability Act.

By signing below, I certify that I have read and acknowledged all of the requirements above. I accept full responsibility for complying with all of the above requirements, as applicable to my project. I further agree that if I fail to comply with the above accessible requirements, due to error or omission, I will correct all deficiencies prior to final inspection.

• Signature of Property Owner or Authorized Agent Print Name

Date

• Signature of Design Professional

Print Name

Date

V. BUILDING DIVISION USE ONLY

ELEMENT ALONG PATH OF TRAVEL	PLANS MATCH SITE CONDITIONS?		ADVISED HARDSHIP LETTER AND PLANS REQUIRED?	
1. An accessible entrance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. An 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	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Accessible drinking fountains	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Accessible parking, signs, storage, and alarms	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

SITE INSPECTION NOTES AND FINDINGS

• **Print Name**

Title (Building Official / Building Inspector / Plan Check Engineer) Date

• **Signature**