



**City of San Clemente**  
**Building Division**  
 910 Calle Negocio, Suite 100  
 San Clemente, CA 92673  
 (949) 361-6100

**DOCUMENTATION OF UNREASONABLE HARDSHIP**

**Purpose:** When improvements are made to structures, Section 11B-202 of the 2013 California Building Code (CBC) may allow for an exception in-lieu of bringing the entire structure up to compliance with current code standards for accessibility requirements. CBC 11B-202.4, Exception 8, states that projects with a construction less than the current (based on ENR Construction Cost Index Amount) valuation threshold (including the cumulative valuation of projects within a 3 year period) are eligible to provide disabled access upgrades equivalent to at least 20% of the cost of construction.

**To Apply:** The owner/applicant/architect shall complete and submit this form to Plan Check staff, who will determine if the exemption may be granted.

**VALUATION THRESHOLD AMOUNT: \$143,303.00**

**YEAR: 2014**

<input type="checkbox"/> Findings of unreasonable hardship for projects under the current Valuation Threshold. (CBC Sec. 202 & 11B-202.4, Exception 8) <input type="checkbox"/> Other _____ _____	<b>Distribution:</b> <input type="checkbox"/> Owner <input type="checkbox"/> Petitioner <input type="checkbox"/> Inspection <input type="checkbox"/> Plan Check <input type="checkbox"/> File <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
1. Job Address: _____ Suite No: _____	<b>Project Info:</b> P.C.# _____ Permit #: _____ Use: _____ Stories: _____
2. Property Owner: _____ Address _____ _____ Ph( _____ )	
3. Petitioner: _____ Position/Relationship: _____ Address: _____ _____ Ph( _____ )	
4. Total cost of construction contemplated..... \$ _____	
Identify all the required code compliant accessibility features. Provide an estimate of the cost for each item for full compliance.	
<input type="checkbox"/> Path of travel from public way to building entrance (ramps, walks, etc)..... <input type="checkbox"/> Door [ ] Landing..... <input type="checkbox"/> Path of travel to altered area..... <input type="checkbox"/> Sanitarily facilities (bathrooms)..... <input type="checkbox"/> Parking..... <input type="checkbox"/> Path of travel to the drinking fountain..... <input type="checkbox"/> Drinking fountain(s)..... <input type="checkbox"/> Path of travel to public phone(s)..... <input type="checkbox"/> Public phone (s)..... <input type="checkbox"/> Other _____ <input type="checkbox"/> _____	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ <b>Total cost of providing compliance:</b> \$ _____

5. Identify the accessibility features and equivalent facilities, which ***will be provided or brought into compliance*** as required by Code. Provide an estimate of the cost of each item:

- |    |       |          |
|----|-------|----------|
| 1. | _____ | \$ _____ |
| 2. | _____ | \$ _____ |
| 3. | _____ | \$ _____ |
| 4. | _____ | \$ _____ |
| 5. | _____ | \$ _____ |
| 6. | _____ | \$ _____ |
| 7. | _____ | \$ _____ |
|    | Total | \$ _____ |

**Additional Information**

6. Describe the impact of required access improvements on financial feasibility of the project:

\_\_\_\_\_

\_\_\_\_\_

7. Describe the nature of the accessibility which would be gained or lost:

\_\_\_\_\_

\_\_\_\_\_

8. Describe the nature of the use of the facility under construction and its availability to disabled persons:

\_\_\_\_\_

\_\_\_\_\_

9. Fill out this section if the path of travel from the disabled parking spaces to the tenant space is not accessible. List projects (tenant improvements, additions, remodels, etc.) performed within the previous three years where no disabled access improvement was performed in conjunction with the project.

<u>Project Description</u>	<u>Date Building Permit Issued</u>	<u>Cost of Construction</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

*The petitioner understands that although the City may approve this request of unreasonable hardship and the proposed equivalent access, the City reserves the right to require additional access compliance upon receiving a complaint of inadequate access at this location. This application establishes CBC 11B-202.4, exceptions 8 and 9. I further acknowledge that if the exception is approved. I will expend no less than 20% of the valuation of the project to improve accessibility as required by Section 11B-202.4 of the California Building Code, exceptions 8 and 9.*

10. Petitioner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

11. Owner's or Authorized Agent signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR CITY USE ONLY**

1. Total cost of proposed construction..... \$ \_\_\_\_\_
2. Cost of disabled access improvements..... \$ \_\_\_\_\_

**Approved** The above named project has been granted an unreasonable hardship exemption from the requirements of the State of California CCR-Title 24 (Regulations for the Accommodation for the Disabled pursuant to Section 11B-202.4 CBC.

**Denied** The above named project has been denied an unreasonable hardship exemption under Section 11B-202.4 CBC. Reason (s) \_\_\_\_\_

\_\_\_\_\_ Date of Approval/Denial

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

\_\_\_\_\_ (San Clemente Plan Check Staff)

\_\_\_\_\_ Signature

# Valuation Threshold for Alterations, Structural Repairs or Additions to Existing Buildings

Per 2013 California Building Code Section 11B-202.4 Exception 8, the 2014 valuation threshold is \$143,303.00 and will be updated again in January, 2015

The annual valuation threshold is based on the January, 1981 threshold of \$50,000.00 as adjusted using the ENR 20 Cities Construction Cost Index, as published by Engineering News-Record, McGraw-Hill Publishing Company, for January of each year.

Valuation threshold for recent years:

Year	ENR Construction Cost Index (Jan.):	Valuation Threshold
2014	9664.45	\$ 143,303.00
2013	9437.27	\$ 139,934.00
2012	9175.94	\$ 136,060.00
2011	8938.30	\$ 132,536.28
2010	8660.08	\$ 128,410.86
2009	8549.06	\$ 126,764.66
2008	8090.06	\$ 119,958.65
2007	7879.58	\$ 116,837.68
2006	7660.29	\$ 113,586.07
2005	7297.24	\$ 108,202.79
2004	6824.90	\$ 101,198.98
2003	6580.54	\$ 97,575.63
2002	6461.81	\$ 95,815.11
2001	6280.85	\$ 93,131.86
2000	6130.36	\$ 90,900.40

## DIVISION 2: SCOPING REQUIREMENTS

### 11B-201 Application

**11B-201.1 Scope.** All areas of newly designed and newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with these requirements.

**11B-201.2 Application based on building or facility use.** Where a site, building, facility, room, or space contains more than one use, each portion shall comply with the applicable requirements for that use.

**11B-201.3 Temporary and permanent structures.** These requirements shall apply to temporary and permanent buildings and facilities.

**11B-201.4 Construction support facilities.** *These requirements shall apply to temporary or permanent construction support facilities for uses and activities not directly associated with the actual processes of construction, including but not limited to offices, meeting rooms, plan rooms, other administrative or support functions. When provided, toilet and bathing facilities serving construction support facilities shall comply with Section 11B-213. When toilet and bathing facilities serving construction support facilities are provided by portable units, at least one of each type shall be accessible and connected to the construction support facilities it serves by an accessible route.*

**Exception:** *During construction an accessible route shall not be required between site arrival points or the boundary of the area of construction and the entrance to the construction support facilities if the only means of access between them is a vehicular way not providing pedestrian access.*

### 11B-202 Existing buildings and facilities

**11B-202.1 General.** Additions and alterations to existing buildings or facilities shall comply with Section 11B-202.

**11B-202.2 Additions.** Each addition to an existing building or facility shall comply with the requirements for new construction and shall comply with Section 11B-202.4.

**11B-202.3 Alterations.** Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Division 2, including Section 11B-202.4.

#### Exceptions:

1. *Reserved.*
2. **Technically infeasible.** *In alterations, where the enforcing authority determines compliance with applicable requirements is technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. The details of the finding that full compliance with the requirements is technically infeasible shall be recorded and entered into the files of the enforcing agency.*

3. Residential dwelling units not required to be accessible in compliance with *this code* shall not be required to comply with Section 11B-202.3.

**11B-202.3.1 Prohibited reduction in access.** An alteration that decreases or has the effect of decreasing the accessibility of a building or facility below the requirements for new construction at the time of the alteration is prohibited.

**11B-202.3.2 Extent of application.** An alteration of an existing element, space, or area of a building or facility shall not impose a requirement for accessibility greater than required for new construction.

**11B-202.3.3 Alteration of single elements.** *If alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire room or space shall be made accessible.*

**11B-202.4 Path of travel requirements in alterations, additions and structural repairs.** *When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel 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, and*
5. *Signs.*

#### Exceptions:

1. Residential dwelling units shall comply with Section 11B-233.3.4.2.
2. *If the following elements of a path of travel have been constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the California Building Code, it shall not be required to retrofit such elements to reflect the incremental changes in this code solely because of an alteration to an area served by those elements of the path of travel:*
  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, and*
  5. *Signs.*
3. *Additions or alterations to meet accessibility requirements consisting of one or more of the following items shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4:*
  1. *Altering one building entrance.*
  2. *Altering one existing toilet facility.*

3. Altering existing elevators.
4. Altering existing steps.
5. Altering existing handrails.
4. Alterations solely for the purpose of barrier removal undertaken pursuant to the requirements of the Americans with Disabilities Act (Public Law 101-336, 28 C.F.R., Section 36.304) or the accessibility requirements of this code as those requirements or regulations now exist or are hereafter amended consisting of one or more of the following items shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4:
  1. Installing ramps.
  2. Making curb cuts in sidewalks and entrance.
  3. Repositioning shelves.
  4. Rearranging tables, chairs, vending machines, display racks, and other furniture.
  5. Repositioning telephones.
  6. Adding raised markings on elevator control buttons.
  7. Installing flashing alarm lights.
  8. Widening doors.
  9. Installing offset hinges to widen doorways.
  10. Eliminating a turnstile or providing an alternative accessible route.
  11. Installing accessible door hardware.
  12. Installing grab bars in toilet stalls.
  13. Rearranging toilet partitions to increase maneuvering space.
  14. Insulating lavatory pipes under sinks to prevent burns.
  15. Installing a raised toilet seat.
  16. Installing a full-length bathroom mirror.
  17. Repositioning the paper towel dispenser in a bathroom.
  18. Creating designated accessible parking spaces.
  19. Removing high-pile, low-density carpeting.
5. Alterations of existing parking lots by resurfacing and/or restriping shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4.
6. The addition or replacement of signs and/or identification devices shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4.
7. Projects consisting only of heating, ventilation, air conditioning, reroofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by this

code, such as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals and office equipment shall not be required to comply with Section 11B-202.4 unless they affect the usability of the building or facility.

8. When the adjusted construction cost is less than or equal to the current valuation threshold, as defined in Chapter 2, Section 202, the cost of compliance with Section 11B-202.4 shall be limited to 20 percent of the adjusted construction cost of alterations, structural repairs or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20 percent, compliance shall be provided to the greatest extent possible without exceeding 20 percent.

When the adjusted construction cost exceeds the current valuation threshold, as defined in Chapter 2, Section 202, and the enforcing agency determines the cost of compliance with Section 11B-202.4 is an unreasonable hardship, as defined in Chapter 2, Section 202, full compliance with Section 11B-202.4 shall not be required. Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, structural repairs or additions. The details of the finding of unreasonable hardship shall be recorded and entered into the files of the enforcing agency and shall be subject to Chapter 1, Section 1.9.1.5, Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification.

For the purposes of this exception, the adjusted construction cost of alterations, structural repairs or additions shall not include the cost of alterations to path of travel elements required to comply with Section 11B-202.4.

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 altered area;
3. At least one accessible restroom for each sex;
4. Accessible telephones;
5. Accessible drinking fountains; and
6. When possible, additional accessible elements such as parking, storage and alarms.

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.

9. *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 April 1, 1994 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 disproportionately provisions described in Exception 8, above, even if the value of the project exceeds the valuation threshold in Exception 8. The types of buildings and facilities are:*

1. *Office buildings and passenger vehicle service stations of three stories or more and 3,000 or more square feet (279 m<sup>2</sup>) per floor.*
2. *Offices of physicians and surgeons.*
3. *Shopping centers.*
4. *Other buildings and facilities three stories or more and 3,000 or more square feet (279 m<sup>2</sup>) per floor if a reasonable portion of services sought and used by the public is available on the accessible level.*

*For the general privately funded multistory building exception applicable to new construction and alterations, see Section 11B-206.2.3, Exception 1.*

*The elevator exception set forth in this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements in this code. For example, floors above or below the accessible ground floor must meet the requirements of this section except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor.*

**11B-202.5 Alterations to qualified historic buildings and facilities.** Alterations to a qualified historic building or facility shall comply with the *State Historical Building Code, Part 8, Title 24, of the California Code of Regulations.*

**Exception: Reserved.**

**11B-203 General exceptions**

**11B-203.1 General.** Sites, buildings, facilities, and elements are exempt from these requirements to the extent specified by 11B-203.

**11B-203.2 Construction sites.** Structures and sites directly associated with the actual processes of construction, including but not limited to, scaffolding, bridging, materials hoists, materials storage and construction trailers shall not be required to comply with these requirements or to be on an accessible route. Portable toilet units provided for use exclusively by construction personnel on a construction site shall not be required to comply with Section 11B-213 or to be on an accessible route.

**11B-203.3 Raised areas.** Areas raised primarily for purposes of security, life safety, or fire safety, including but not limited to, observation or lookout galleries, prison guard towers, fire

towers or life guard stands shall not be required to comply with these requirements or to be on an accessible route.

**11B-203.4 Limited access spaces.** Spaces *not customarily occupied and accessed only by ladders, catwalks, crawl spaces or very narrow passageways* shall not be required to comply with these requirements or to be on an accessible route.

**11B-203.5 Machinery spaces.** Spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment shall not be required to comply with these requirements or to be on an accessible route. Machinery spaces include, but are not limited to, elevator pits or elevator penthouses; mechanical, electrical or communications equipment rooms; piping or equipment catwalks; water or sewage treatment pump rooms and stations; electric substations and transformer vaults; and highway and tunnel utility facilities.

**11B-203.6 Single occupant structures.** Single occupant structures accessed only by passageways below grade or elevated above standard curb height, including but not limited to, toll booths that are accessed only by underground tunnels, shall not be required to comply with these requirements or to be on an accessible route.

**11B-203.7 Detention and correctional facilities.** In detention and correctional facilities, common use areas that are used only by inmates or detainees and security personnel and that do not serve holding cells or housing cells required to comply with Section 11B-232, shall not be required to comply with these requirements or to be on an accessible route.

**11B-203.8 Residential facilities.** In *public housing* residential facilities, common use areas that do not serve residential dwelling units required to provide mobility features complying with Sections 11B-809.2 through 11B-809.4 and *adaptable features complying with Chapter 11A, Division IV* shall not be required to comply with these requirements or to be on an accessible route.

**11B-203.9 Employee work areas.** Spaces and elements within employee work areas shall only be required to comply with Sections 11B-206.2.8, 11B-207.1, and 11B-215.3 and shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the employee work area.

**11B-203.10 Raised refereeing, judging and scoring areas.** Raised structures used solely for refereeing, judging or scoring a sport shall not be required to comply with these requirements or to be on an accessible route. *An accessible route complying with Division 4 shall be provided to the ground- or floor-level entry points, where provided, of stairs, ladders, or other means of reaching the raised elements or areas.*

**11B-203.11 Water slides.** Water slides shall not be required to comply with these requirements or to be on an accessible route. *An accessible route complying with Division 4 shall be provided to the ground- or floor-level entry points, where provided, of stairs, ladders or other means of reaching the raised elements or areas.*

**11B-203.12 Animal containment areas.** Animal containment areas that are not for public use shall not be required to comply with these requirements or to be on an accessible