



REQUEST FOR FINDING OF UNREASONABLE HARDSHIP

Use this form to request a finding of unreasonable hardship for a project with an Adjusted Construction Cost exceeding the Valuation Threshold. A hardship finding will provide relief from full compliance with the *path of travel* requirements of CBC section 11B-202.4. Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, additions or structural repairs. The City of San Marcos shall approve proposed alternate compliance, to be included as part of this request.

- Findings of unreasonable hardship for projects with an adjusted construction cost exceeding the Valuation Threshold. (CBC Sec 202 & 11B-202.4)
- Other _____

1. Job Address: _____

Suite No: _____

2. Property Owner:
Address:
Phone:

3. Petitioner:
Position/Relationship: _____
Address: _____
Phone: _____

Distribution:

- Owner
- Petitioner
- Inspection
- Plan Check
- File

Project Info:

P.C. #

Permit #

Use:

Stories:



4. Construction cost for proposed project (not including cost of improvements to the path of travel to the area of alteration) \$ _____ (A)
5. Cost of alterations to areas on this path of travel undertaken during the preceding three-year period this did not provide an accessible path of travel to the area of alteration (as applicable). \$ _____ (B)
- Adjusted construction cost (C) = (A) + (B) \$ _____ (C)

Identify all the elements serving the area of alteration and estimate the cost of full compliance with chapter 11B

- [] Accessible entrance \$ _____
- [] Accessible route to the altered area \$ _____
- [] Sanitary facilities (bathrooms) \$ _____
- [] Accessible public phone(s) \$ _____
- [] Accessible drinking fountain \$ _____
- [] Drinking fountain(s) \$ _____
- [] Path of travel to public phone(s) \$ _____

When possible additional elements such as:

- [] Parking \$ _____
- [] Signs \$ _____
- [] Storage \$ _____
- [] Alarms \$ _____
- [] Other \$ _____
- Total cost of providing full compliance \$ _____ (D)
- Total cost of providing partial compliance of path of travel elements \$ _____ (E)



COST OF PATH OF TRAVEL UPGRADES AS A PERCENTAGE OF ADJUSTED CONSTRUCTION COST:

Full compliance of path of travel as % of adjusted construction cost: \$ _____ (F)
 $(F)\%=(D)/(C)$

Partial compliance of path of travel as % of adjusted construction cost: \$ _____ (G)
 $(G)\%=(E)/(C)$

6. Describe the impact on the financial feasibility of the project when the cost of providing full compliance with chapter 11B standards exceed 20%:

7. Describe the nature of the accessibility which would be gained (by full compliance) and lost (by proposed alternate compliance):

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

9. Describe the equivalent facilitation provided (if applicable):



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 exceptions 1 and 2. Petitioner further acknowledges that if the exception is approved, petitioner 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 1 and 2.

Petitioner's signature: _____ Date: _____

Owner or Authorized Agent signature: _____ Date: _____

CITY USE ONLY

Total cost of proposed construction \$ _____

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)

[] Denied - The above named project has been denied an unreasonable hardship exemption under Section 11B-202.4)

Reason _____

Building Official: _____

Signature: _____ Date: _____

This form is used to request a finding of unreasonable hardship for:
Additions and alterations to existing buildings and facilities throughout the City of San Marcos.



METHOD FOR DETERMINING PATH OF TRAVEL UPGRADES AS A PERCENTAGE OF ADJUSTED CONSTRUCTION COST:

(A) Determine construction cost for the proposed project:

Cost includes:

- All direct or “hard” costs directly associated with the contractor’s construction of the project (including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit).
- All fees and reimbursable expenses paid to construction managers, if any.

The direct or “hard” costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability.

Cost does not include:

- Project management fees and expenses.
- Architectural and engineering fees.
- Testing and inspection fees.
- Utility connection or service district fees.
- The cost of alterations to *path of travel* elements; see item (D) and (E).

In some circumstances *path of travel* elements may be within the area of alteration, for example: a suite of offices with toilet facilities located in the area of alteration; the cost of altering the toilet facilities is included in the construction cost for the proposed project and not in the cost of alterations to the *path of travel* elements.

(B) As applicable, determine cost of alterations on this *path of travel* undertaken during the preceding three year period which did not provide an accessible *path of travel* to the area of alteration:

The obligation to provide an accessible *path of travel* may not be evaded by performing a series of small alterations to the area served by a single *path of travel* if those alterations could have been performed as a single undertaking.

(C) Determine total adjusted construction cost where (C) = (A) + (B).

(D) Determine estimated cost of full compliance of *path of travel* elements not within the area of alterations, additions or structural repairs:

In the circumstance where *path of travel* elements are located within the area of alteration, the cost for improvements of those elements is included in the construction cost for the proposed project and not in the cost of alterations to the *path of travel* elements.

(E) Determine estimated cost of proposed partial compliance of *path of travel* elements not within the area of alterations, additions or structural repairs: In the circumstance where *path of travel* elements are located within the area of alteration, the cost for improvements of those elements is included in the construction cost for the proposed project and not in the cost of alterations to the *path of travel* elements.

(F) Determine full compliance of *path of travel* improvements as a percentage of adjusted construction cost where (F) % = (D) / (C).

(F) Must be over 20%; and (C) must be disproportionate to (E) to be an unreasonable hardship.

(G) Determine proposed partial compliance of *path of travel* improvements as a percentage of adjusted construction cost where (G) % = (E) / (C).

(G) Must be at or over 20%; and compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship.