

**CITY OF CONCORD**  
**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 \$172,418.00, 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 insure 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 a 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 2019 edition of the Engineering News Records' US20 Cities average construction cost index of 11496.31 [Valuation threshold = (11627.94/3372.02) x \$50,000 = \$172,418.00].

FORM A  
 CITY OF CONCORD, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
 APPLICATION FOR UNREASONABLE HARDSHIP DETERMINATION  
 BASED UPON PROJECT CONSTRUCTION COST LESS THAN VALUATION THRESHOLD OF \$172,418

PROJECT INFORMATION

Name \_\_\_\_\_ Building Permit Application No. \_\_\_\_\_  
 Address \_\_\_\_\_

APPLICANT INFORMATION

Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_

COST ESTIMATES

Total PROJECT CONSTRUCTION COST (w/o providing the accessibility features).....\$ \_\_\_\_\_

Provide cost estimates for providing the following accessibility features:

	Cost Estimate	% of Project Const. Cost	Cumulative % of Const. Cost
1. An accessible entrance.....	\$ _____	%	%
2. An accessible route to the altered area.....	\$ _____	%	%
3. An accessible restroom for each sex.....	\$ _____	%	%
4. Accessible telephones.....	\$ _____	%	%
5. Accessible drinking fountains.....	\$ _____	%	%
6. Accessible parking, storage and alarms.....	\$ _____	%	%

A minimum of 20% of the total PROJECT CONSTRUCTION COST, as written above, must be spent on the above access features. If the cost of providing all of the above access features exceeds 20%, then only those accessibility features associated with a cumulative percentage greater than 20% of the PROJECT CONSTRUCTION COST may be excluded from the project. Priority shall be given to these access features in the order shown above.

The accessibility features to be exempted under this finding of unreasonable hardship are the following checked-off items which exceed 20% of the Project Construction Cost, as noted above:

- An accessible primary entrance
- An accessible route to the altered area
- An accessible restroom for each sex
- Accessible telephones
- Accessible drinking fountains
- Accessible parking, storage and alarms

REQUIRED SIGNATURES

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Building Owner \_\_\_\_\_ Date \_\_\_\_\_

Approved By:

Building Official \_\_\_\_\_ Date \_\_\_\_\_

Note: The City 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 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.

FORM B  
 CITY OF CONCORD, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
 APPLICATION FOR GRANTING OF EXCEPTION(S) TO TITLE 24 ACCESS REGULATIONS  
 BASED UPON PROJECT CONSTRUCTION COST MORE THAN VALUATION THRESHOLD OF \$172,418

PROJECT INFORMATION

Name \_\_\_\_\_ Building Permit Application No. \_\_\_\_\_

Address \_\_\_\_\_

APPLICANT INFORMATION

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Fax \_\_\_\_\_

City/State/Zip \_\_\_\_\_

EXCEPTION(S) TO TITLE 24 ACCESS REGULATIONS FOR WHICH THIS APPLICATION APPLIES

Title 24 Section	Exception #	Requires Determination of Unreasonable Hardship?		Requires Equivalent Facilitation?			
		Yes	No	Code-Specified		Non-Code Specified	
_____	_____	Yes	No	Yes	No	Yes	No
_____	_____	Yes	No	Yes	No	Yes	No
_____	_____	Yes	No	Yes	No	Yes	No
_____	_____	Yes	No	Yes	No	Yes	No

UNREASONABLE HARDSHIP DISCUSSION

1. Total Cost of Providing Access (attach itemized cost estimate).....\$ \_\_\_\_\_

2. Total PROJECT CONSTRUCTION COST (w/o providing the accessibility features)\$ \_\_\_\_\_

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 its availability to persons with disabilities:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NON-CODE SPECIFIED EQUIVALENT FACILITATION TO BE PROVIDED**

Describe in detail the means by which equivalent facilitation will be provided for non-code specified equivalent facilitation provisions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUIRED SIGNATURES**

Requestor:

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Building Owner \_\_\_\_\_ Date \_\_\_\_\_

Approved by:

Building Official \_\_\_\_\_ Date \_\_\_\_\_

Conditions of Approval:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: The City 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 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 effective April 1, 1994.