



CITY OF PALM DESERT

Building & Safety Department

73-510 Fred Waring, Palm Desert, CA (760) 776-6420

“UNREASONABLE HARDSHIP” ALTERATION INFORMATION FOR COMMERCIAL

When the total construction cost of alterations, structural repairs, or additions to existing buildings and facilities does not exceed a valuation threshold of \$166,157.00 (2019) and the enforcing agency finds that full compliance with the requirements for disabled access upgrades serving the area of alteration, structural repair, or addition creates an “unreasonable hardship”, an exception can be granted to allow for less than full compliance for the upgrades. This determination for “unreasonable hardship”, as detailed in Code Section 11B-202.4 can be requested when the cost of providing the disabled access upgrades is disproportionate to the total construction cost; that is, where it exceeds 20% of the cost of the project without these upgrades. Under this determination upgrades will still need to be made, but only to the point where the upgrade costs are disproportionate (i.e. 20% of the total construction cost will be required to be spent toward these upgrades).

In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:

- An accessible building entrance and an accessible path of travel to this entrance from the public way.
- An accessible route of travel from the accessible building entrance to the area of alteration, structural repair, or addition.
- At least one accessible restroom for each sex serving the area of alteration, structural repair, or addition.
- Accessible telephones, if provided, serving the area of alteration, structural repair, or addition.
- Accessible drinking fountains, if provided, serving the area of alteration, structural repair, or addition.
- Additional accessible elements such as parking, storage, and alarms.

Your plan reviewer will provide additional information regarding the “unreasonable hardship” determination if you choose to apply for this for your project.

On the next page of this Information Bulletin is an example of the findings that must be submitted for a project where an “unreasonable hardship” determination is requested.

Sample of Unreasonable Hardship Finding Construction valuation not exceeding \$166,157.00 (2019) Sec.11B-202.4, Exc. 8

Sample Project Information:

Project Address: 72500 Example Street, Palm Desert, Ca 92260
Project: # 06-00012345
Project Description: Proposed Full Floor Tenant Improvement on 2nd Floor
Type of Facility: Office/Retail Project
Valuation: \$ 60,000

Full Compliance Cost of Disable Access Upgrades Outside of Area of Remodel

Path of travel to building or facility entrance.....	\$12,000
Path of travel within building or facility	\$ 4,000
Sanitary facilities	\$ 12,000
Drinking fountains	\$ 2,000
Public telephones.....	\$ N/A
	Total = \$ 30,000

The accessibility feature upgrades would increase construction costs by 50 %

Expenditure for Unreasonable Hardship Compliance (20% of project valuation = \$ 12,000)

Specify accessibility feature upgrades to be provided and cost under following priority listing:

- | | |
|--|-------------------|
| 1. Accessible path of travel to building or facility entrance (including entry doorway): | \$ 10,000 |
| <i>Install wheelchair lift at building entry door</i> | |
| 2. Accessible path of travel within building or facility to the area of remodel: | \$ 2,000 |
| <i>Install braille symbols on elevator door jamb and handrail in elevator cab</i> | |
| 3. Accessible restroom for each sex | \$ _____ |
| 4. Accessible drinking fountains and public telephones | \$ _____ |
| 5. Additional accessible features (parking, storage, and alarms) | \$ _____ |
| | Total = \$ 12,000 |

Applicant Information:

Applicant name: John Smith

Applicant signature: _____ *John Smith* _____

Address: 1234 Main Street

Phone: 123-123-1212

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Approved By: _____ Date: _____

Accessibility Application For Unreasonable Hardship Exception

Project Address: _____ Permit #: _____
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City of Palm Desert
 Building and Safety Department
 73-510 Fred Waring Drive, Palm Desert CA. 92260
 (760) 346-0611
 Fax (760) 776-6392

**ACCESSIBILITY APPLICATION FOR
 UNREASONABLE HARDSHIP EXCEPTION**

Please print legibly or type

Project Address	Activity/Permit #
Owner	Telephone <i>Include Area Code</i>
Applicant	Telephone <i>Include Area Code</i>

It is requested that the above named project be granted an exception from the requirements of the State of California Title 24 accessibility, as specifically noted below

A. When the total cost of the alteration, repairs, or additions does not exceed the valuation threshold amount within a three year period, an unreasonable hardship (UH) exists when the cost of providing access exceeds 20% of the cost of the project. The specific accessibility features that create a hardship may be exempted but not all the accessibility features.

**Valuation Threshold
 Amount
 \$166,157.00
 Value for January 2019**

Access Features Item <i>Provide description below</i>	Does this feature meet the latest edition of Title 24?	If not, is this feature going to be part of this permit?	If so, cost of making feature accessible? <i>Attach documentation</i>
1. Path of travel to entrance	_____	_____	\$ _____
2. Entrance	_____	_____	\$ _____
3. Path of travel within building/facility to area of remodel	_____	_____	\$ _____
4. Elevator	_____	_____	\$ _____
5. Sanitary facilities	_____	_____	\$ _____
6. Public Telephones <i>If provided</i>	_____	_____	\$ _____
7. Drinking fountains <i>If provided</i>	_____	_____	\$ _____
8. Other (Parking, etc.) <i>Specify</i>	_____	_____	\$ _____
Total cost of access features provided (A)			\$ _____
Total cost of construction of this project and all other work performed Over the last 3 years in this tenant space (B)			\$ _____
Percentage of total cost of project (20% minimum): A/B x 100%			_____

Description of access features to be provided

Alterations performed over the last three years in this tenant space. Include in total valuation B above unless 20% of valuation of Individual remodel has already been expended on access feature (provide documentation).

Permit Number	Date	Description	Valuation
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. SPECIFIC EXCEPTIONS

DO NOT USE THIS PORTION IF PART A HAS BEEN COMPLETED

This part is generally used for remodels exceeding the threshold amount and where Title 24 provides an exemption from specific accessibility features.

Exceptions Requested	Code Section/Exception	Cost of Making Features Accessible <i>Attach Documentation</i>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
		<i>Total \$</i> _____

Description _____

The cost of all construction contemplated is \$ _____

The access feature increases the cost of construction by *Percentage of construction cost* _____

The impact on financial feasibility of the project if the requested exception is not approved is _____

The facility is used by the general public for the purpose of _____

The following individuals provided information listed above

Architect/Designer			Owner/Tenant		
Address			Address		
City	State	Zip Code	City	State	Zip Code
Signature Required		Date	Signature Required		Date

FOR CITY USE ONLY

DATE RECEIVED	RECEIVED BY	
Findings and decisions of the enforcing official <hr/> <hr/> <hr/>		
<input type="checkbox"/> Request Granted <input type="checkbox"/> General Unreasonable Hardship Exception request is approved based on Section 11B-202.4 of Title 24. Access Features listed in part A of this form shall be provided as part of this permit. <input type="checkbox"/> Specific Exception(s) request is approval based on Section (s) All other access features shall be provided as specified in Title 24. <input type="checkbox"/> Ratification required. This decision must be ratified by the Board of Appeals and Advisors. An application must be completed and a filing fee paid before the board can hear the request. <input type="checkbox"/> Request denied. If you disagree with this determination, you may seek an appeal through the Board of Appeals and Advisors. An application must be completed and a filing fee paid before the board can hear the request.		
Name of enforcing official <i>please print</i>	Signature of enforcing official	Date