



CITY OF FOSTER CITY

Community Development Department | *Building Division*
610 Foster City Blvd, Foster City, CA 94404
Phone: 650-286-3227 | Email: building@fostercity.org

Office Use Only:

Date: _____

Received By: _____

APPLICATION FOR UNREASONABLE HARDSHIP

PURPOSE: When improvements are made to existing commercial and multi-family structures, Section 11B-202.4 of the current adopted version of the California Building Code (CBC) allows for an exception in lieu of bringing the entire structure or facility up to compliance with current code standards for accessibility requirements. CBC 11B-202.4, Exception 8, states that projects with a construction cost less than the current valuation threshold, established each year by the Division of the State Architect (DSA), including the cumulative valuation of projects within a 3-year period) are eligible to provide disabled access upgrades equivalent to at least up to 20% of the cost of construction in the required priority as listed below. The purpose for this form is to request unreasonable hardship exception to accessibility requirements where full accessibility cannot be provided along the accessible path of travel to the existing building or facility. Valuation Threshold can be found on the [DSA website](#).

Job Address: _____ Foster City, CA 94404

Permit Application#: _____

Application Date: _____

Check **ONE** of the following three options that applies to this request:

- A. Projects that do not exceed that [valuation threshold](#) per 2022 CBC § 11B-202.4 Ex.#8; or
- B. Projects in existing buildings that exceed the [valuation threshold](#) per 2022 CBC §11B-202.4 Ex #8; or
- C. Projects or elements for which documentation is provided showing full compliance with the applicable accessibility requirements are infeasible due to technical or legal constraints per 2022 CBC § 11B-202.3 Ex.#2

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

1. Proposed job scope under this permit				
2. Total Construction Valuation of item# 1 (excludes access features)				
3. 20% of total construction cost (item#2 x 20%)				
4. Accessible elements	Is element accessible? YES / NO	Is element to be altered? Yes / No	Will it be made accessible? YES / NO	Cost of alteration
Primary Entrance				
Path of travel within building to remodel area				
Elevator				
Telephone				
Drinking Fountain				
Restrooms (Male and Female)				
Parking/Signage/Storage				
Audible/ Visible Alarms				
<i>Total cost of proposed access improvements along with path of travel (provide detailed estimate)</i>				
5. Total cost of making building alterations which would achieve full compliance				

6. List of costs for each project along the same path of travel over the last three years:		
Permit #	Job Description	Project Cost

7. List of all full-complying accessibility improvements (shown on the plans) that will be provided:

8. List of existing non-complying accessibility features for which a hardship is requested:

Option C: On a separate page:

1. Provide a description of each element that meets the 2022 code definition of Technically Infeasible.
2. Describe why full access compliance is technically infeasible for each element.
3. If applicable, describe the legal constraint that would preclude complete access compliance.

Any request for an unreasonable hardship must address all of the above-listed criteria. Emphasis must be place on the elements that provide the greatest improvements to disabled access. Disproportionate cost must be established to qualify for a hardship. All details of any unreasonable hardship finding will be recorded and kept on file by the City.

Mandatory

Declaration: I hereby acknowledge that the above is true to the best of my knowledge. As the owner of the property or tenant space, or an authorized agent representing the owner, by signing below I am acknowledging that I understand that, although the project will comply with the California Building Code Requirements, the limited disabled access upgrades shown on this form will not reduce or absolve my liability under the Americans with Disabilities Act.

Owner/Owner Authorized Agent	Signature:	Date:
Contractor	Signature:	Date:
Architect/ Designer	Signature:	Date:

Staff Use Only			
Hardship Request reviewed under option (circle one)	A	B	C
Access upgrades limited to 20% of construction cost (2022 CBC § 11B-202.4 Ex.#8):		Y	N
Access upgrades exceeding 20% of construction cost:		Y	N
Approval includes equivalent facilitation:		Y	N
Description of equivalent facilitation provided complies with Code definition of 2022 CBC §202		Y	N
Exceptions granted pertain to the code requirements detailed in item #8 (above)		Y	N
Full compliance with the applicable accessibility requirement(s) have been determined by the Building Official to be infeasible due to technical or legal constraints per 2022 CBC § 11b-202.3 Ex.#2		Y	N
Additional Comments:			

APPROVAL RECOMMENDED

APPROVAL NOT RECOMMENDED

Chief Building Official	Signature	Date
Plan Examiner	Signature	Date