

CITY OF MILPITAS

Office of Building Safety
455 E. Calaveras Blvd.
Milpitas, CA 95035
408-586-3240
www.milpitas.gov



APPLICATION FOR UNREASONABLE HARDSHIP EXCEPTION

The State of California requires that non-residential buildings, when altered, remodeled or repaired, must be made to be accessible to persons with physical disabilities (California Code of Regulations, Title 24, Part 2). This requirement pertains to area/s of specific alteration, repair or addition and includes the following areas:

- A primary entrance to the building or facility.
- The primary path of travel (from the entrance) to the specific area of alteration, addition or repair.
- Sanitary facilities, drinking fountains, signs and public telephones serving the area.
- Other additional accessible elements such as parking, storage and alarms.

When the total construction cost does not exceed the 2027 valuation threshold of **\$209,208.00** and the cost of providing access is disproportional to the cost of the work, access shall be provided to the extent possible without incurring disproportionate cost provided the Chief Building Official finds that compliance with this requirement creates an unreasonable hardship. Disproportionate cost occurs when the cost of the above alterations necessary to make these features fully accessible exceeds 20% of the cost of the project without those features. (2022 California Building Code Section 11B-202.4 Exception 8).

Additionally, if physical limitations of the existing building or site precludes compliance with this requirement, the Chief Building Official may make a finding of unreasonable hardship with adequate documentation.

If you believe a finding of unreasonable hardship should be made for your specific project and conditions, please complete the following part of this handout.

1. Project Description (include specific uses, size, functions, number of employees, etc):
2. Project Address: _____
3. Property Owner's Name: _____
Address: _____
4. Architect's Name: _____
Address: _____
5. The Basis for a Finding of Unreasonable Hardship is:

6. Total Project Cost and cost of required Disabled Access Features:

Total Project Cost for all work contemplated (not including required Access Features) is: \$ _____

The total cost for all required Disabled Access Features required under Title 24 is: \$ _____

The percent of all required Disabled Access Features to Total Project Cost is: _____ %

7. If a finding of unreasonable hardship is made, the applicant proposes to include the following disabled access features along with associated costs:

1. _____ \$ _____
2. _____ \$ _____
3. _____ \$ _____
4. _____ \$ _____
5. _____ \$ _____
6. _____ \$ _____
7. _____ \$ _____
8. _____ \$ _____

Total cost of all proposed Disabled Access Features is: \$ _____

Percent of all proposed Access Features to Total Project Cost (must be at least 20%): _____ %

NOTE: The determination of unreasonable hardship from this documentation does not approve a blanket exemption from disabled access requirements.

Submitted By (printed name): _____ Title: _____

Address: _____

Phone: _____ Email address: _____

Signature: _____ Date: _____

Approved By: _____ Date: _____

Conditions of Approval, if any: _____

Building Permit #: _____ Unreasonable Hardship #: _____ Date Received: _____