

PROJECTS THAT EXCEED THE VALUATION THRESHOLD

When the adjusted construction cost* of alterations, structural repairs, or additions to existing facilities within three years** of the original alteration **exceeds** the valuation threshold currently **\$186,172**, the project must comply with the Path of Travel upgrade requirements of Chapter 11B Section 202, regardless of the cost, to provide a single accessible path of travel to the specific area of alteration.

EXAMPLE FORM 1 demonstrates a hypothetical project that satisfies the requirement.

FINDING OF UNREASONABLE HARDSHIP

In some cases, full compliance would create a disproportionate cost that may be prohibitive and therefore make the funding campus entity unable to proceed with the project. The California Building Code allows for this with a finding of unreasonable hardship.

Per Section 11B-202.4 Exception 8:

When the **adjusted construction cost*** exceeds the current valuation threshold and the enforcing agency determines the cost of compliance with Section 11B-202.4 is an **unreasonable hardship**, as defined in Chapter 2, Section 202, full compliance with Section 11B-202.4 shall not be required.

Compliance shall be provided by **equivalent facilitation** or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, structural repairs or additions. A finding of unreasonable hardship is appropriate only when the cost of full compliance is significantly above the 20 percent disproportionate cost limitation. A finding of unreasonable hardship should be based upon a project-specific analysis.

A finding of unreasonable hardship shall be granted when the Building Official finds that compliance with the building standard would make the scope of work affected by the building code prohibitive, based on an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.
5. The nature of the use of the facility under construction and its availability to persons with disabilities.

The details of the finding of unreasonable hardship shall be recorded and entered into the files of the enforcing agency and shall be subject to Chapter 1, Section 1.9.1.5. For projects within DSA's jurisdiction, a finding of unreasonable hardship must be approved by DSA.

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

1. An accessible entrance;
2. An accessible route to the area of alteration, structural repair, or addition (see definition of accessible route Section 202 & 11B-206.2.1 for more information on accessible routes and site arrival points);
3. At least one accessible restroom for each gender or gender inclusive restroom serving the area of alteration, structural repair or addition;
4. Accessible telephones, if provided, serving the area of alteration, structural repair, or addition;
5. Accessible drinking fountains, if provided, serving the area of alteration, structural repair, or addition; and
6. When possible, additional accessible elements such as additional parking, storage, signs and alarms.

EXAMPLE FORM 2 demonstrates a hypothetical project that satisfies the requirement.

Design Professional:

Complete the attached UCSB ACCESS COMPLIANCE FORM, and prepare a project specific analysis, including site and floor plan of the existing and proposed accessibility improvements along the accessible route to the area of alteration. Submit the completed form along with the project specific analysis to the DCS Project Manager, prior to plan review. This request for hardship is subject to approval by the Building Official.

Additionally, barrier removal is an ongoing obligation for the ADA and this application does not exempt UC Santa Barbara of any obligations to removing barriers in a reasonable time frame.

***ADJUSTED CONSTRUCTION COST:**

Costs Included: For the purposes of UCSB ACCESSIBILITY COMPLIANCE FOR EXISTING BUILDINGS, the adjusted construction cost for a project shall include:

- All direct or “hard” costs directly associated with the contractor's construction of the project.
- All fees and reimbursable expenses paid to construction managers, if any.
- Adjusted cost of construction does not include the cost of alterations to path of travel elements required to be upgraded outside the area of alteration, structural repair, or addition.

Costs Not Included: The adjusted construction cost shall not include:

- Project management fees and expenses.
- Architectural and engineering fees.
- Testing and inspection fees.
- Utility connection or service district fees.

****Three Year History:** For areas that have been previously altered without providing an accessible path of travel, the cost of any subsequent alterations to areas served by the same path of travel during a preceding three-year period shall be considered when determining adjusted construction cost.