



Request for Disproportionate Cost Exception to California Disabled Access Requirements

Handout No: 3
Revised 1/15/15

Chapter 11B of the California Building Code (CBC) requires that when alterations, structural repairs or additions are made to existing privately-funded public accommodations and commercial facilities, the specific area of addition or alteration and the accessible path of travel to the addition or alteration must comply with disabled access requirements. Additionally, the following *path of travel elements* shall be included in and made accessible to the physically disabled in accordance with of the State of California Title 24 accessibility requirements [see CBC 11B-202.4]:

Path of Travel Elements

1. A primary entrance to the building or facility (including walkways, ramps, landings, doors, etc.);
2. Toilet and bathing facilities serving the area of addition or alteration for each sex. (If only one unisex restroom exists, that restroom must be made accessible);
3. Public telephones serving the area of addition or alteration, if provided;
4. Public drinking fountains serving the area of addition or alteration, if provided; and
5. Signs

Disproportionate Cost Exception: When the adjusted construction cost is less than or equal to the current valuation threshold of **\$147,863.00** the cost of compliance with the path of travel elements listed above shall be limited to 20 percent (20%) of the adjusted construction cost of alterations, structural repairs or additions. The adjusted construction cost is the total project cost, excluding the costs for any of the non-planned “Path of Travel Elements” listed above.

Where the cost of alterations necessary to make the path of travel elements fully accessible is disproportionate (*meaning that the cost of the needed path of travel exceeds 20% of the adjusted construction cost*), access shall be performed to the extent that possible without incurring disproportionate cost. In the very rare occurrence where the adjusted construction cost is greater than the current valuation threshold and where a hardship for full compliance is determined to exist pursuant to Chapter 11B, please contact the building official.

Instructions

- A. Complete **Section I** (Project Address/Applicant Information), **Section II** (Permits within the Last Three Years) and **Section III** (Project Cost Information).
- B. Go to **Section IV** (Accessibility Features Itemized Cost Worksheet) and answer Yes (Y) or No (N) to all questions in Column 1. **Answering Yes (Y) to any question in Column 1 should only be done after an accessibility survey of the existing facility has been conducted by a *Certified Access Specialist* or an architect knowledgeable in all of the accessibility requirements prescribed in the California Building Code.** A determination must be made to determine what existing accessibility features exist, which features are in full compliance, and which features do not comply with the applicable accessibility requirements of the code.
- C. Once the non-complying accessibility elements have been identified, complete Columns 2 and 3 in **Section IV** (Accessibility Features Itemized Cost Worksheet) to indicate which accessibility features will be accomplished in the proposed project and what the costs for providing those features are. In choosing which accessible features to provide, priority should be given to those features that will provide greatest access in the order of priority as listed in **Section IV**. *[Remember that the required compliance costs that you need to document are limited to the amount listed on Line F) Section III.]*
- D. Complete, sign and date **Section V** (Summary of Costs for Proposed Accessibility Features to be Included in the Project) and submit the completed Request for Disproportionate Cost Exception form to the Building Department along with your plans and permit application.

To review a copy of CBC Chapter 11B, go to <https://law.resource.org/pub/us/code/bsc.ca.gov/gov.ca.bsc.2013.02.1.pdf>.

SECTION I - Project Address/Applicant Information

(Please type or print)

Job Address:		Unit or Suite #:	
Business Name:			
Project Description:			
Applicant's Name:			
Applicant's Phone:			

SECTION II - Permit Valuation within the Last Three Years (optional)

List the information from all permits for alteration, structural repair and addition projects performed over the last three (3) years in this tenant space or building.

Permit Number	Date	Description	Permit Valuation	Cost of Accessibility Improvements
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
1)		Cumulative 3-Year Total of Permit Valuations of all permits over the last 3 years:	\$	
2)		Cumulative 3-Yr. Cost of Path of Travel Accessibility Improvements for all permits over the last 3 years that is shown on other <i>Disproportionate Cost Forms</i> previously approved for this building and the site. <i>[Include copies of all previously approved Disproportionate Cost Forms.]</i> If no other Disproportionate Cost Forms exist, enter \$0.		\$
3)		Subtract line 2) from line 1) above for Last 3-Year Total Adjusted Construction Cost :	\$	

[The Last 3-Year Total Adjusted Construction Cost effectively excludes previous path of travel work.]

SECTION III - Project Cost Information

A)	What is the total construction cost for <u>this</u> project? <i>[Exclude the accessibility features listed in items #1 through #5 on page 1 that are not otherwise proposed or required for this project.]</i>	\$
B)	Enter the Last 3-Year Total Adjusted Construction Cost <i>[From line 3) above.]</i>	\$
C)	Add line A) plus line B) for the Current Total Adjusted Construction Cost <i>[includes this project]</i>	\$
D)	Enter 20% of C) above.	\$
E)	Enter the Cumulative 3-Yr. Cost of Path of Travel Accessibility Improvements <i>[From line 2) above.]</i>	\$
F)	Subtract E) from D) Amount that must be spent towards disability features for this project.	\$

SECTION IV - Accessibility Features - Itemized Cost Worksheet

The accessibility features listed below are some of the features that are commonly needed to meet the State of California accessibility requirements. The accessibility features below are grouped in order of priority for determining which features should be included in your project first. Additional features may need to be added depending on the nature of the proposed project. **Only specify the costs for the additional accessibility items you are proposing to provide for this project. Do not include the cost of providing accessible features for the actual or specific area of alteration, repair or addition which are otherwise already required.**

Be advised that the Building Department may request additional review or supporting documentation to verify the answers provided.

Remember that when the cost of full compliance will exceed 20 percent (20%) of the adjusted construction cost [see line F) on page 2], compliance must be provided to the greatest extent possible without exceeding the 20 percent (20%) threshold.

Priority 1. An accessible entrance to the building or facility (including walkways, ramps, landings, entry doors, gates, etc.) [see CBC 11B-206]

Accessibility Feature(s)	COLUMN 1 Existing feature(s) complies with CBC Chapter 11B? Y/N	COLUMN 2 Will feature(s) be provided as part of this permit? Y/N Please also indicate the plan sheet # where this feature is illustrated.	COLUMN 3 If the feature(s) will be provided as part of this permit, what is the cost of installing the accessibility feature(s)?
Entrance and site directional signage. [CBC 11B-216 and 11B-Div.7]			\$
Walkways to an accessible entrance. [CBC 11B-403] (Surfaces, walkway width, clear width at turns, passing spaces, cross-slope, running slope, warning curbs, and changes in levels, etc.)			\$
Floor or ground surfaces. [CBC 11B-302] (Slip resistance, stability, carpet, openings, etc.)			\$
Changes in level. [CBC 11B-303] (Vertical, beveled, ramps, warning curbs, etc.)			\$
Turning space. [CBC 11B-304] (Surface, size, circular shape, T-shape, door swing, etc.)			\$
Clear floor space. [CBC 11B-305] (Surface, knee and toe clearance, position, approach, maneuvering clearance, size, circular shape, T-shape, door swing, etc.)			\$
Knee and toe clearance. [CBC 11B-306] (Depth, width, additional clearance, clearance reduction, etc.)			\$
Protruding objects. [CBC 11B-307] (Protrusion limits, post-mounted objects, edges and corners, vertical clearance, clear width, etc.)			\$
Ramps and landings to an accessible entrance. [CBC 11B-405]. (Ramp width, cross-slope, running slope, max. rise, max. length, bottom landings at ramp, top landings, landings at change of direction, doorways at landings, ramp edge protection, etc.)			\$
Ramp handrails and handrail extensions. [CBC 11B-505] (Continuity, height, clearance, gripping surface, cross-section, surfaces, fittings, top and bottom extensions, etc.)			\$
Curb ramps, blended transitions and islands serving an accessible entrance. [CBC 11B-406]. (Slope, flared sides, turning space, location, width, landings, surface, wet conditions, grade breaks, cross-slope, counter slope, grooved border, detectable warnings, etc.)			\$

Entrance doors, gates and doorways. [CBC 11B-404] (Door opening clear width, lever or push/pull door hardware, maneuvering clearance at doors, floor level at doors, thresholds, bottom 10 inches is smooth, closing speed, opening force, glazing view panels, etc.)			\$
Automatic and power assisted doors [CBC 11B-404.3]			\$
Other:			\$
Other:			\$
Other:			\$

Enter Total of Priority 1 features on line 1) on page 8 \$ _____

Priority 2. An accessible route from the accessible entrance to the altered area. [see CBC 11B-206]

Accessibility Feature(s)	COLUMN 1 Existing feature(s) complies with CBC Chapter 11B? Y/N	COLUMN 2 If not, will feature(s) be provided as part of this permit? Y/N Please also indicate the plan sheet # where this feature is illustrated.	COLUMN 3 If the feature(s) will be provided as part of this permit, what is the cost of installing the accessibility feature(s)?
Walking surface on the route to the altered area. [CBC 11B-402.2] (Corridor width, surfaces, clear height, turns in accessible route, changes in level, maneuvering clearance, etc.)			\$
Floor or ground surfaces. [CBC 11B-302] (Slip resistance, stability, carpet, openings, etc.)			\$
Changes in level. [CBC 11B-303] (Vertical, beveled, ramps, warning curbs, etc.)			\$
Turning space. [CBC 11B-304] (Surface, size, circular shape, T-shape, door swing, etc.)			\$
Clear floor space. [CBC 11B-305] (Surface, knee and toe clearance, position, approach, maneuvering clearance, size, circular shape, T-shape, door swing, etc.)			\$
Knee and toe clearance. [CBC 11B-306] (Depth, width, additional clearance, clearance reduction, etc.)			\$
Protruding objects. [CBC 11B-307] (Protrusion limits, post-mounted objects, edges and corners, vertical clearance, clear width, etc.)			\$
Doors and doorways on the route to the altered area. [CBC 11B-404]. (Door opening clear width, lever or push/pull door hardware, maneuvering clearance at doors, floor level at doors, bottom 10 inches is smooth, closing speed, opening force, glazing view panels, etc.)			\$
Ramps and landings to an accessible entrance. [CBC 11B-405]. (Ramp width, cross-slope, running slope, max. rise, max. length, bottom landings at ramp, top landings, landings at change of direction, doorways at landings, ramp edge protection, etc.)			\$
Ramp handrails and handrail extensions. [CBC 11B-505] (Continuity, height, clearance, gripping surface, cross-section, surfaces, fittings, top and bottom extensions, etc.)			\$
Ramp edge protection. [CBC 11B-405.9.5.2]			\$
Elevators or lifts to the altered area. [CBC 11B-407, CBC 11B-408 or 11B-409 as applicable]			\$

Signage. [CBC 11B-216 and 11B-Division 7] (Room designations, accessible exit signs, directional signs, TTYs, elevators, assistive listening, check-out aisles, amusement rides, cleaner air symbol, etc. as applicable.)			\$
Other:			\$
Other:			\$
Other:			\$

Enter Total of Priority 2 features on line 2) on page 8 \$

Priority 3. At least one accessible restroom for each sex. (If only one unisex restroom exists, that restroom must be made accessible. [see CBC 11B-213])

Accessibility Feature(s)	COLUMN 1 Existing feature(s) complies with CBC Chapter 11B? Y/N	COLUMN 2 If not, will feature(s) be provided as part of this permit? Y/N Please also indicate the plan sheet # where this feature is illustrated.	COLUMN 3 If the feature(s) will be provided as part of this permit, what is the cost of installing the accessibility feature(s)?
Doors and doorways on the route to the altered area. [CBC 11B-404]. (Door opening clear width, lever or push/pull door hardware, maneuvering clearance at doors, floor level at doors, bottom 10 inches is smooth, closing speed, opening force, etc.)			\$
Toilet and bathing room clearances. [CBC 11B-603.2] (Turning space, door swing, etc.)			\$
Toilet room accessories location. [CBC 11B-603.3, 11B-603.4, 11B-603.5] (Mirrors, coat hooks, etc.)			\$
Water closets rooms and toilet compartments. [CBC 11B-604] (Location, size, clearances, maneuvering space, seat height, grab bars, flush controls, dispensers, toilet compartment and room doors, approach, toe clearance, hooks, reach ranges, etc.)			\$
Urinals. [CBC 11B-605] (Height, depth, clear floor space, flush controls etc.)			\$
Lavatories and sinks. [CBC 11B-606] (Clear floor space, height, faucets, exposed pipe surfaces, adjacent side wall clearance, depth, etc.)			\$
Bathtubs. [CBC 11B-607] (Clearances, seats, grab bars, controls, shower spray unit and water, bathtub enclosure, etc.)			\$
Shower compartments. [CBC 11B-608] (Size and clearances, grab bars, seats, controls, shower spray unit and water, thresholds, shower enclosure, shower floor surface, soap dish, etc.)			\$
Grab bars. [CBC 11B-609] (Cross-section, spacing, positioning, surface hazards, fittings, installation, structural strength, etc.)			\$
Shower and bathtub seats. [CBC 11B-610] (Positioning, installation, structural strength, etc.)			\$
Toilet room signage. [CBC 11B-216.6 and 11B-703.7.2.6]			\$
Reach ranges. [CBC 11B-308]			\$

(Electrical switches and receptacles, operable parts, etc.)			
Operable parts. [CBC 11B-309] (Clear floor space, height, operation, etc.)			\$
Turning space. [CBC 11B-304] (Surface, size, circular shape, T-shape, door swing, etc.)			\$
Clear floor space. [CBC 11B-305] (Surface, knee and toe clearance, position, approach, maneuvering clearance, size, circular shape, T-shape, door swing, etc.)			\$
Knee and toe clearance. [CBC 11B-306] (Depth, width, additional clearance, clearance reduction, etc.)			\$
Protruding objects. [CBC 11B-307] (Protrusion limits, post-mounted objects, edges and corners, vertical clearance, clear width, etc.)			\$
Signage. [CBC 11B-216] (Toilet rooms.)			\$
Other:			\$
Other:			\$
Other:			\$

Enter Total of Priority 3 features on line 3) on page 8 \$

Priority 4. Accessible telephones and drinking fountains, if provided.
[see CBC 11B-217 and 11B-602]

Accessibility Feature(s)	COLUMN 1 Existing feature(s) complies with CBC Chapter 11B? Y/N	COLUMN 2 If not, will feature(s) be provided as part of this permit? Y/N Please also indicate the plan sheet # where this feature is illustrated.	COLUMN 3 If the feature(s) will be provided as part of this permit, what is the cost of installing the accessibility feature(s)?
WATER FOUNTAINS: [CBC 11B-602] (Clear floor space, operable parts, spout height, spout location, water flow. Spout height for standing persons, depth, pedestrian protection, etc.)			\$
TELEPHONES: [CBC 11B-217] (Wheelchair accessible, volume controls, TTYs, shelves for portable TTYs, etc.)			\$
Reach ranges. [CBC 11B-308] (Electrical switches and receptacles, operable parts, etc.)			\$
Operable parts. [CBC 11B-309] (Clear floor space, height, operation, etc.)			\$
Turning space. [CBC 11B-304] (Surface, size, circular shape, T-shape, door swing, etc.)			\$
Clear floor space. [CBC 11B-305] (Surface, knee and toe clearance, position, approach, maneuvering clearance, size, circular shape, T-shape, door swing, etc.)			\$
Knee and toe clearance. [CBC 11B-306] (Depth, width, additional clearance, clearance reduction, etc.)			\$
Protruding objects. [CBC 11B-307] (Protrusion limits, post-mounted objects, edges and corners, vertical clearance, clear width, etc.)			\$
			\$

Other:			
Other:			\$

Enter Total of Priority 4 features on line 4) on page 8 \$

Priority 5. Additional accessible features such as parking, storage and alarms. [see CBC 11B-208, 11B-502, 11B-225, 11B-811 and 11B-215, etc.]

Accessibility Feature(s)	COLUMN 1 Existing feature(s) complies with CBC Chapter 11B? Y/N	COLUMN 2 If not, will feature(s) be provided as part of this permit? Y/N Please also indicate the plan sheet # where this feature is illustrated.	COLUMN 3 If the feature(s) will be provided as part of this permit, what is the cost of installing the accessibility feature(s)?
PARKING: [CBC 11B-208 and 11B-502] (Minimum number, location, size, slope, access aisle, surface, vertical clearance, identification, relationship to access routes, signage, detectable warnings, etc.)			\$
STORAGE: [CBC 11B-225 and 11B-811] (Lockers, self-service shelving, self-service facilities, clear space, height, operable parts, etc.)			\$
FIRE ALARMS: [CBC 11B-215, 11B-809 and CBC 907] (Public and common use areas, employee work areas, transient lodging, residential facilities, etc.)			\$
Reach ranges. [CBC 11B-308] (Electrical switches and receptacles, operable parts, etc.)			\$
Operable parts. [CBC 11B-309] (Clear floor space, height, operation, etc.)			\$
Clear floor space. [CBC 11B-305] (Surface, knee and toe clearance, position, approach, maneuvering clearance, size, circular shape, T-shape, door swing, etc.)			\$
Protruding objects. [CBC 11B-307] (Protrusion limits, post-mounted objects, edges and corners, vertical clearance, clear width, etc.)			\$
Other:			\$

Enter Total of Priority 5 features on line 5) on page 8 \$

SECTION V - Summary of Costs for Proposed Accessibility Features to be Included in the Project

Identify the costs for the additional access features to be provided for this project. ***Do not include the cost of providing accessible features for the actual or specific area of alteration, repair or addition. Accessible features for the actual or specific area of alteration, repair or addition are required regardless of the cost and do not qualify for the disproportionate cost exception.***

Use the worksheet beginning on Page 3 first to itemize the estimated cost for each accessibility feature or element to be provided. Enter the totals in this section.

1)	Cost of providing an accessible entrance to the building or facility including entry walkways, entry ramps, landings, door widths, door hardware, strike-side clearances, signage, railings, etc.	\$
2)	Cost of providing an accessible route to the area of alterations , structural repairs or additions, including parking access aisles, curb ramps, walkways, ramps, lifts, elevators, landings, door and hallway widths, door hardware, railings, etc.	\$
3)	Cost of providing at least one accessible restroom for each sex, including clear spaces, fixture and accessories heights and clearances, door widths and hardware, signage, etc.	\$
4)	Cost of providing accessible drinking fountains and/or telephones (if provided)	\$
5)	Cost of providing, additional accessible features such as parking, storage and alarms.	\$

TOTAL [Must be equal to or greater than the amount on line F) of Section III above.] \$

I request that this project be granted an exception from the requirements of the State of California Code of Regulations, Title 24 accessibility requirements, because a disproportionate cost exception applies where the total cost of providing an accessible entrance, path of travel, sanitary facilities, public phones and drinking fountains is disproportionate to the cost of the project; that is, it exceeds 20 percent (20%) of the cost of the project without these features. I hereby declare that the information I have provided above is, to the best of my knowledge, true and correct.

Applicant's Signature _____ Date _____

FOR DEPARTMENT USE ONLY

Building Department Finding

- Accessibility for this project is only required for the actual area of alteration, repair or addition and for those items listed under Column 2 of Section IV above.**

Comments: _____

- The disproportionate cost exception is not applicable to this project and full accessibility is required, in compliance with CBC Section 11B-202.4.**

Comments: _____

Building Department Findings Determined By _____ Date _____