

City of Tracy

Development Services Department

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ACCESSIBILITY BUDGET CALCULATION FORM FOR ALTERATIONS ADDITIONS OR STRUCTURAL REPAIRS TO EXISTING BUILDINGS

Project Address:	
Owner/Agent (print):	Telephone (Contact person):
Applicant (print):	Permit No:

Please use the link below to watch a video demonstrating disabled access upgrade requirements for existing buildings and facilities OR if you have any questions while filling out the “**Accessibility Budget Calculation**” form, please email BuildSafe@cityoftracy.org.

[Disabled Access Upgrade Requirements for Existing Buildings and Facilities - YouTube](#)

<https://youtu.be/1X1pGtTHAG0>

This form shall be used to demonstrate how the project will be in compliance with California Building Code (CBC) section 11B-202.4 whenever alterations, additions or structural repairs are made to an existing building.

CBC 11B-202.4 requires that during an alteration, addition or structural repair the accessible path of travel to the specific area of alteration, addition or repair shall be provided. The primary accessible path of travel shall include all items below:

1. A primary entrance to the building or facility (including approach to the building, parking areas and connections to the street or sidewalk)
2. Toilet and bathing facilities serving the area
3. Drinking fountains serving the area
4. Public telephones serving the area
5. Signs

There are four separate methods for achieving compliance with CBC section 11B-202.4. The applicable method will be dependent on project specifics. The following is a brief description of each method. Please read the descriptions below and proceed to the method that is applicable to your project. Please choose only one method by checking the box below and filling out the corresponding paperwork for the selected method.

Method 1: The path of travel to the specific alteration, addition or repair is already in compliance with the current code OR was altered or constructed to comply with the immediately preceding edition of the CBC OR the scope of this project is inclusive of all path of travel requirements.

Method 2: The adjusted construction cost of the project is less than or equal to the accessibility valuation threshold and 11B-202.4 exception 8 applies to limit the cost of compliance to 20% of the adjusted construction cost.

Note: Based on the permit application date, the adjusted cost of construction shall include the last 3 years of projects applied for where the path of travel requirements were **not fully** provided to serve an altered area (shall include this project). If the projects exceed the Accessibility Valuation Threshold

2024 Accessibility Valuation Threshold= \$200,399.00

(\$200,399.00), then all path of travel upgrades shall meet current California Building Code (CBC) 11B standards (see table on pg. 4 for POT features).

Method 3: The adjusted construction cost of the project is greater than the accessibility valuation threshold and all non-compliant components of the path of travel will be brought into compliance.

Method 4: The adjusted construction cost of the project is greater than the accessibility valuation threshold, but there is an unreasonable hardship in accomplishing all required path of travel improvements so the cost of compliance is proposed to be achieved through equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship and is at least 20% of the adjusted construction cost.

Please note that inaccuracies in this form will delay the approval of plans, or delay the approval of final inspections for the project.

Note: Due to a significant increase in lawsuits against business owners and building owners related to building accessibility issues for the disabled communities, it is critical to take the appropriate steps to avoid undesirable litigation. This typically would include the hiring of a Certified Access Specialist (CASP) to help identify any potential access deficiencies. For further information please refer to the end of this application where more detailed information can be found under the section entitled "DISABILITY ACCESS REQUIREMENTS AND RESOURCES".

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Method 2: Adjusted Construction Cost Less Than Accessibility Valuation Threshold

In accordance with 11B-202.4 exception 8, when the adjusted construction cost is less than the current accessibility threshold value, then the cost of improvements to the path of travel for compliance with CBC 11B shall be limited to 20% of the adjusted construction cost. The adjusted construction cost shall not include the improvements made to the path of travel.

1) What is the cost of the project (valuation; based upon an independent third-party contractor's valuation, which would include profit, overhead, materials cost, labor, etc.)?

\$ _____

2) What is the cost to provide ALL required access features that are not included in item #1 above?

\$ _____

3) What is the amount necessary to qualify for the exception **(20% of valuation provided in Item #1)**?

\$ _____

Access Features (In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the order listed in the table below.)	Does this feature already conform to the current edition of the CBC or was constructed or altered under the most recent proceeding edition?	If not, is the feature (or portion thereof) to be made accessible at this time?	What is the cost of making the feature (or portion thereof) accessible?
Accessible Path of Travel to Entrance & Accessible Entrance (curb ramps, walks, door, door hardware, pedestrian ramps, landings, thresholds, etc.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Path of Travel to remodeled area or addition from entrance	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Restroom(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Public Phone(s) (if provided)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Drinking Fountain(s) (if provided)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Signs, Storage, and Alarms (directional signs, parking stall(s) and striping, loading zones, parking signs, informational signs; lockers, shelves, self-storage; fire alarms, CO alarms)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Total cost of accessible features provided <u>(20% of valuation in Item #1)</u> Note: All costs to be documented by executed contracts or actual bids or other information accepted by the Building Official.			\$

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Provide a **COMPLETE DESCRIPTION** below of **ALL** accessible features intended to be altered during this project. Please note, if you fail to provide an adequate description of accessible features being altered, then, this form will be returned for corrections that will unnecessarily delay your project from being approved.

Provide construction details (i.e. plans) that clearly demonstrates how all accessible features will be made accessible. Provide a very specific, clear and detailed description below. If you need additional space, provide a note in the space that a corresponding attachment has been submitted for this item. Where applicable please reference specific plan details that demonstrate compliance for this feature.

Access Features	<u>COMPLETE DESCRIPTION</u>
Accessible Path of Travel to Entrance & Accessible Entrance (curb ramps, walks, door, door hardware, pedestrian ramps, landings, thresholds, etc.)	

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Path of Travel to remodeled area or addition from entrance	
Restroom(s)	
Public Phone(s) (if provided)	

2024 Accessibility Valuation Threshold= \$200,399.00

Drinking Fountain(s) (if provided)	
Signs, Storage, and Alarms (directional signs, parking stall(s) and striping, loading zones, parking signs, informational signs; lockers, shelves, self-storage; fire alarms, CO alarms)	

PLEASE DO NOT FORGET TO ATTACH YOUR CONSTRUCTION BIDS or EXECUTED CONTRACTS FOR REVIEW.

I am the **contractor/registered design professional** (entity verifying compliance) for the above referenced project and attest that the proposed accessibility upgrades accurately portray the path of travel elements that are not in compliance and how the 20% accessibility budget will be spent to bring those items into compliance.

Print Name

Date

Signature

I am the **owner/agent** (entity with financial responsibility) for the above referenced project and understand the financial obligations for the requirement of accessibility upgrades where this method has been chosen and I understand that at the time of the final building inspection an accessibility inspection will be performed. Any path of travel features identified to be corrected above that are found to be non-compliant in the course of that inspection must be corrected.

Print Name

Date

Signature

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Method 3: Adjusted Construction Cost Greater Than Accessibility Valuation Threshold

Provide a **complete description** below of all non-compliant accessible path of travel features and a description of the work necessary to make those features compliant. Additionally, attach construction details (i.e. plans) to accompany the description of work that clearly demonstrates how all accessible features will be made accessible. Provide a very specific, clear and detailed description below. If you need additional space, provide a note in the space that a corresponding attachment has been submitted for this item. Where applicable, please reference specific plan details that demonstrate compliance for this feature.

At time of the final building inspection, an accessibility inspection will be performed including the accessible path of travel. Any non-complaint items found will be required to be corrected. This will delay the final building approval and permit closeout processes.

Path of Travel Features	<u>COMPLETE DESCRIPTION</u>
Primary entrance to the building or facility (including approach to the building, parking areas and connections to the street or sidewalk and these items would include curb ramps, walks, door, door hardware, pedestrian ramps, landings, thresholds, etc.)	

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<p>The path of travel to the area of remodel, addition, repair or specific element</p>	
<p>Toilet and bathing facilities</p>	

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Method 4: Adjusted Construction Cost Greater than Accessibility Valuation Threshold and applicant is requesting an Unreasonable Hardship

If the adjusted construction cost exceeds the accessibility valuation threshold, but the cost of compliance for all components is infeasible, the applicant may request an “Unreasonable Hardship” review. If the “Unreasonable Hardship” application is approved, 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% of the adjusted construction cost.

In order to qualify for an unreasonable hardship review, the following items must be provided:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of the 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.
6. Payment of a fee for processing of such a review as established by the City’s fee schedule prior to said review.

The Unreasonable Hardship application will be reviewed for approval by the Building Safety Division and the Finance Department. The business entity responsible for the accessibility improvements will be asked to provide financial information to determine the financial feasibility for full accessibility compliance of the project.

Sign and date below expressing your intent to pursue an unreasonable hardship request for this project. You will be contacted by a member of the Building Safety Division who will provide you with an unreasonable hardship application and details of what additional information will need to be provided. Please provide the following preliminary information about your project:

- 1) What is the cost of the project (valuation; based upon an independent third-party contractor’s valuation, which would include profit, overhead, materials cost, labor, etc.)?
\$ _____
- 2) What is the cost to provide ALL required access features that are not included in item #1 above?
\$ _____
- 3) If the Unreasonable Hardship is approved, the minimum amount required to be spent for accessibility compliance shall be **20% of valuation provided in Item #1.**
\$ _____

Owner Name (please print)

Signature

Date

Phone Number

Design Professional/Contractor (please print)

Signature

Date

Phone Number

E-mail

E-mail

DISABILITY ACCESS REQUIREMENTS AND RESOURCES

NOTICE TO APPLICANTS FOR BUSINESS LICENSES AND COMMERCIAL BUILDING PERMITS:

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

DEPARTMENT OF
GENERAL SERVICES,
Division of the State
Architect, CASp Program

www.dgs.ca.gov/dsa
www.dgs.ca.gov/casp

DEPARTMENT OF
REHABILITATION
Disability Access Services

www.dor.ca.gov
[www.rehab.cahwnet.gov/
disabilityaccessinfo](http://www.rehab.cahwnet.gov/disabilityaccessinfo)

DEPARTMENT OF
GENERAL
SERVICES,
California Commission on
Disability Access

www.cdda.ca.gov
[www.cdda.ca.gov/resourc
es-menu/](http://www.cdda.ca.gov/resources-menu/)

CERTIFIED ACCESS SPECIALIST INSPECTION SERVICES

Compliance with state and federal construction-related accessibility standards ensures that public places are accessible and available to individuals with disabilities. Whether your business is moving into a newly constructed facility or you are planning an alteration to your current facility, by engaging the services of a Certified Access Specialist (CASp) early in this process you will benefit from the advantages of compliance and under the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51- 55.545), also benefit from legal protections.

Although your new facility may have already been permitted and approved by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, for example, placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can provide plan review of your improvement plans and an access compliance evaluation of the public accommodation areas of your facility that may not be part of the alteration.

A CASp is a professional who has been certified by the State of California to have specialized knowledge regarding the applicability of accessibility standards. CASp inspection reports prepared according to CRASCA entitle business and facility owners to specific legal benefits, in the event that a construction-related accessibility claim is filed against them.

To find a CASp, visit www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx.

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GOVERNMENT TAX CREDITS, TAX DEDUCTIONS AND FINANCING

State and federal programs to assist businesses with access compliance and access expenditures are available:

Disabled Access Credit for Eligible Small Businesses

FEDERAL TAX CREDIT—Internal Revenue Code Section 44 provides a federal tax credit for small businesses that incur expenditures for the purpose of providing access to persons with disabilities. For more information, refer to Internal Revenue Service (IRS) Form 8826: Disabled Access Credit at www.irs.gov.

STATE TAX CREDIT—Revenue and Taxation Code Sections 17053.42 and 23642 provide a state tax credit similar to the federal Disabled Access Credit, with exceptions. For more information, refer to Franchise Tax Board (FTB) Form 3548: Disabled Access Credit for Eligible Small Businesses at www.ftb.ca.gov.

Architectural and Transportation Barrier Removal Deduction

FEDERAL TAX DEDUCTION—Internal Revenue Code Section 190 allows businesses of all sizes to claim an annual deduction for qualified expenses incurred to remove physical, structural and transportation barriers for persons with disabilities. For more information, refer to IRS Publication 535: Business Expenses at www.irs.gov.

California Capital Access Financing Program

STATE FINANCE OPTION—The California Capital Access Program (CalCAP) Americans with Disabilities Act (CalCAP/ADA) financing program assists small businesses with financing the costs to alter or retrofit existing small business facilities to comply with the requirements of the federal ADA. Learn more at www.treasurer.ca.gov/cpcfca/calcap/.

FEDERAL AND STATE LEGAL REQUIREMENTS ON ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) —The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities, and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Learn more at www.ada.gov.

CALIFORNIA BUILDING CODE (CBC)—The CBC contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the version of the CBC in place at the time of construction or alteration. Learn more at www.bsc.ca.gov.

This document is also available in Spanish, Tagalog, Korean, Vietnamese, Traditional Chinese and Simplified Chinese. These other versions are available at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/AB-3002-Model-Notice>.