



**City of Santa Barbara
Community Development**

Memorandum

DATE: January 13, 2016
TO: Building & Fire Code Appeals Board
FROM: Andrew Stuffer, Chief Building Official *AS*
SUBJECT: DETERMINATION OF "ADJUSTED CONSTRUCTION COST"

The City Building & Safety Division is seeking Building & Fire Code Appeals Board input specifically on:

When should proposed electrical and mechanical construction costs be included in the "adjusted construction cost"?

This is an important determination for the community due to the direct relationship between the "adjusted construction cost" and the extent of accessibility compliance required for a project.

A specific example of this involves a plan check submittal for an interior remodel at the First Presbyterian Church at 21 E. Constance Ave. The interior remodel was described as follows by the applicant:

"Interior and exterior remodel including removal of interior walls, remove and replace entry door & windows, new partition walls, new lighting & electrical"

Given that the lighting, electrical and mechanical work proposed in this remodel are directly related to the remodeling of the walls and ceilings, the City views this work as directly related to the use of the remodeled building.

Consequently, and per the 2013 California Building Code, Section 11B-202.4, Exception #8 (attached), the Building & Safety Division State Certified Access Specialist (CASp) required Path of Travel accessibility improvements to the church facility in an amount equal to 20% or more of the "adjusted construction costs" that include the proposed electrical and mechanical construction costs. The applicant responded with the professional opinion of a private CASp that recommended that the electrical and mechanical system improvement costs be subtracted from the over-all "adjusted construction costs". It is the difference between these determinations in "adjusted construction cost" that we seek the Board's input.

ADDITIONAL COMMENTARY AND RESEARCH

The California Division of the State Architect issued bulletin “IR 11B-10” (attached) indicating that the “adjusted construction cost” for a project shall include:

- 1) All direct or “hard” costs directly associated with the contractor’s construction of the project, and**
- 2) All fees and reimbursable expenses paid to construction managers, if any.**

The City Building & Safety Division believes that the intent of the California Division of the State Architect’s definition of “alteration” in the State Building Code is to allow for replacement of mechanical and/or electrical equipment alone (replacement of heaters, air conditioners, lighting, etc.) without requiring additional Path of Travel upgrades found in the 2013 California Building Code, Section 11B-202.4. Further, the City Building & Safety Division feels that the 2013 California Building Code Section, 11B-202.4, Exception #7 (attached) confirms our position.

Additionally, the State Building Code, Section 11B – 202.3.3 (attached) specifically prohibits the dividing up of single electrical, mechanical, plumbing and building permit elements in order to avoid making the entirety of the work accessible. The City believes that this further reinforces the State’s intent for communities to design to and enforce access compliance comprehensively rather than by exception.

- Attachments:**
- 1) DSA IR 11B-10**
 - 2) 2013 California Building Code, Chapter 2, Definition of Alteration**
 - 3) 2013 California Building Code, Chapter 11B - 202**

SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS

3.3 Finding of Unreasonable Hardship: A finding of unreasonable hardship is appropriate only when the cost of full compliance is significantly above the 20-percent disproportionate cost limitation and would make the project financially infeasible. A finding of unreasonable hardship may be made by the enforcing agency and should be based upon a detailed project-specific analysis. For projects within DSA's jurisdiction, a finding of unreasonable hardship must be approved by the access supervisor and the regional manager.

3.4 Three Year History: For areas that have been previously altered without providing an accessible path of travel to those areas, the cost of any subsequent alterations to areas served by the same path of travel during a preceding three-year period shall be considered in determining whether the cost of making the path of travel is disproportionate.

3.5 Upgrades in Substantially Compliant Facilities: For projects where the path of travel elements serving the area of alteration, addition or structural repair are largely compliant, it shall not be required that the full 20 percent of the adjusted construction cost be spent.

4. COMPLIANCE WITH IMMEDIATELY PRECEDING EDITION:

4.1 Path of Travel Upgrades Not Required: 11B-202.4 Exception 2 does not require path of travel upgrades for certain elements that have been previously constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the California Building Code. Retrofit to reflect incremental changes in the code solely because of an alteration to an area served by the following elements shall not be required:

- A primary entrance to the building or facility,
- Toilet and bathing facilities serving the area,
- Drinking fountains serving the area,
- Public telephones serving the area, and
- Signs.

4.2 Immediately Preceding Edition: The immediately preceding edition of the code includes:

- The initially adopted and published code;
- Intervening Code Cycle Amendments adopted and issued as Supplements;
- Emergency Amendments, if any, adopted and issued as Supplements;
- Errata.

Compliance with any version of the immediately preceding code edition qualifies an element for this exception. Section 202.4 Exception 2 provisions in the immediately preceding edition of the CBC shall not be permitted to iteratively utilize provisions in earlier editions of the CBC.

5. ADJUSTED CONSTRUCTION COST

5.1 Costs Included: For the purposes of 11B-202.4, 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.

The direct or "hard" costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability.

* **5.2 Cost Not Included:** The adjusted construction cost shall not include:

SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS

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

6. WHEN FULL COMPLIANCE CANNOT BE REQUIRED

6.1 Priority List: For projects where full compliance of the path of travel elements cannot be required, based on the disproportionate cost limitation or a determination of unreasonable hardship, Section 11B-202.4, Exception 8 establishes the following priority list:

- "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 altered area;
 3. At least one accessible restroom for each sex;
 4. Accessible telephones;
 5. Accessible drinking fountains; and
 6. When possible, additional accessible elements such as parking, storage and alarms."

6.2 Additional Accessible Elements: The obligation to upgrade the additional accessible elements in Item 6 applies only to those elements within the primary path of travel serving the project-specific area of alteration. Typically, Item 6 will come into play only when all of the elements in the preceding items either 1) are in compliance with the requirements, 2) have been included in the project's path of travel upgrades scope of work or 3) are discretionary items, such as public telephones, and not present as existing elements.

6.3 Operational Considerations: In situations where a fully compliant path of travel cannot be required, from a civil rights perspective the public agency operating the facility still has an obligation to make its programs and services accessible. The fact that the building code did not require full compliance does not remove this *program delivery* obligation. However, this is an operational consideration outside of the building code and shall not be used as a condition of approval for projects under DSA's jurisdiction.

REFERENCES:

California Code of Regulations (CCR) Title 24
Part 2, California Building Code, Sections 11B-202.4

This Interpretation of Regulations (IR) is intended for use by the Division of the State Architect (DSA) staff, and as a resource for design professionals, to promote more uniform statewide criteria for plan review and construction inspection of projects within the jurisdiction of DSA which includes State of California public elementary and secondary schools (grades K-12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

This IR is reviewed on a regular basis and is subject to revision at any time. Please check the DSA website for currently effective IRs. Only IRs listed on the Web page at www.dgs.ca.gov/dsa/Resources/IRManual.aspx at the time of plan submittal to DSA are considered applicable.

DEFINITIONS

lines for the design, construction or alteration of buildings and facilities.

ADOBE CONSTRUCTION. Construction in which the exterior load-bearing and nonload-bearing walls and partitions are of unfired clay masonry units, and floors, roofs and interior framing are wholly or partly of wood or other approved materials.

Adobe, stabilized. Unfired clay masonry units to which admixtures, such as emulsified asphalt, are added during the manufacturing process to limit the units' water absorption so as to increase their durability.

Adobe, unstabilized. Unfired clay masonry units that do not meet the definition of "Adobe, stabilized."

[F] AEROSOL. A product that is dispensed from an aerosol container by a propellant. Aerosol products shall be classified by means of the calculation of their chemical heats of combustion and shall be designated Level 1, Level 2 or Level 3.

Level 1 aerosol products. Those with a total chemical heat of combustion that is less than or equal to 8,600 British thermal units per pound (Btu/lb) (20 kJ/g).

Level 2 aerosol products. Those with a total chemical heat of combustion that is greater than 8,600 Btu/lb (20 kJ/g), but less than or equal to 13,000 Btu/lb (30 kJ/g).

Level 3 aerosol products. Those with a total chemical heat of combustion that is greater than 13,000 Btu/lb (30 kJ/g).

[F] AEROSOL CONTAINER. A metal can or a glass or plastic bottle designed to dispense an aerosol. Metal cans shall be limited to a maximum size of 33.8 fluid ounces (1000 ml). Glass or plastic bottles shall be limited to a maximum size of 4 fluid ounces (118 ml).

AGED HOME OR INSTITUTION. A facility used for the housing of persons 65 years of age or older in need of care and supervision. (See definition of "care and supervision")

AGGREGATE. In roofing, crushed stone, crushed slag or water-worn gravel used for surfacing for roof coverings.

AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

AIR-INFLATED STRUCTURE. A structure that uses air-pressurized membrane beams, arches or other elements to enclose space. Occupants of such a structure do not occupy the pressurized area used to support the structure.

AIR-SUPPORTED STRUCTURE. A structure wherein the shape of the structure is attained by air pressure and occupants of the structure are within the elevated pressure area. Air-supported structures are of two basic types:

Double skin. Similar to a single skin, but with an attached liner that is separated from the outer skin and provides an airspace which serves for insulation, acoustic, aesthetic or similar purposes.

Single skin. Where there is only the single outer skin and the air pressure is directly against that skin.

AISLE. An unenclosed exit access component that defines and provides a path of egress travel. *[DSA-AC] A circulation path between objects such as seats, tables, merchandise, equipment, displays, shelves, desks, etc., that provides clearances in compliance with this code.*

AISLE ACCESSWAY. That portion of an exit access that leads to an aisle.

[F] ALARM NOTIFICATION APPLIANCE. A fire alarm system component such as a bell, horn, speaker, light or text display that provides audible, tactile or visible outputs, or any combination thereof.

[F] ALARM SIGNAL. A signal indicating an emergency requiring immediate action, such as a signal indicative of fire.

[F] ALARM VERIFICATION FEATURE. A feature of automatic fire detection and alarm systems to reduce unwanted alarms wherein smoke detectors report alarm conditions for a minimum period of time, or confirm alarm conditions within a given time period, after being *automatically* reset, in order to be accepted as a valid alarm-initiation signal.

ALLOWABLE STRESS DESIGN. A method of proportioning structural members, such that elastically computed stresses produced in the members by nominal loads do not exceed specified allowable stresses (also called "working stress design").

[A] ALTERATION. Any construction or renovation to an existing structure other than repair or addition. *[DSA-AC] A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.*

ALTERNATING TREAD DEVICE. A device that has a series of steps between 50 and 70 degrees (0.87 and 1.22 rad) from horizontal, usually attached to a center support rail in an alternating manner so that the user does not have both feet on the same level at the same time.

ALTERNATIVE SYSTEM. *[OSHPD 1 & 4] Alternative materials, design and methods of construction in accordance with Section 104.11, Section 11.1.4 of ASCE 7 or structural design criteria as approved by the enforcement agency.*

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided.

AMUSEMENT ATTRACTION. *[DSA-AC] Any facility, or portion of a facility, located within an amusement park or theme park which provides amusement without the use of an amusement device. Amusement attractions include, but are not limited to, fun houses, barrels and other attractions without seats.*

DIVISION 2: SCOPING REQUIREMENTS

11B-201 Application

11B-201.1 Scope. All areas of newly designed and newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with these requirements.

11B-201.2 Application based on building or facility use. Where a site, building, facility, room, or space contains more than one use, each portion shall comply with the applicable requirements for that use.

11B-201.3 Temporary and permanent structures. These requirements shall apply to temporary and permanent buildings and facilities.

11B-201.4 Construction support facilities. These requirements shall apply to temporary or permanent construction support facilities for uses and activities not directly associated with the actual processes of construction, including but not limited to offices, meeting rooms, plan rooms, other administrative or support functions. When provided, toilet and bathing facilities serving construction support facilities shall comply with Section 11B-213. When toilet and bathing facilities serving construction support facilities are provided by portable units, at least one of each type shall be accessible and connected to the construction support facilities it serves by an accessible route.

Exception: During construction an accessible route shall not be required between site arrival points or the boundary of the area of construction and the entrance to the construction support facilities if the only means of access between them is a vehicular way not providing pedestrian access.

11B-202 Existing buildings and facilities

11B-202.1 General. Additions and alterations to existing buildings or facilities shall comply with Section 11B-202.

11B-202.2 Additions. Each addition to an existing building or facility shall comply with the requirements for new construction and shall comply with Section 11B-202.4.

11B-202.3 Alterations. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Division 2, including Section 11B-202.4.

Exceptions:

1. *Reserved.*

2. **Technically infeasible.** In alterations, where the enforcing authority determines compliance with applicable requirements is technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. The details of the finding that full compliance with the requirements is technically infeasible shall be recorded and entered into the files of the enforcing agency.

3. Residential dwelling units not required to be accessible in compliance with *this code* shall not be required to comply with Section 11B-202.3.

11B-202.3.1 Prohibited reduction in access. An alteration that decreases or has the effect of decreasing the accessibility of a building or facility below the requirements for new construction at the time of the alteration is prohibited.

11B-202.3.2 Extent of application. An alteration of an existing element, space, or area of a building or facility shall not impose a requirement for accessibility greater than required for new construction.

11B-202.3.3 Alteration of single elements. If alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire room or space shall be made accessible.

11B-202.4 Path of travel requirements in alterations, additions and structural repairs. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel shall include:

1. A primary entrance to the building or facility,
2. Toilet and bathing facilities serving the area,
3. Drinking fountains serving the area,
4. Public telephones serving the area, and
5. Signs.

Exceptions:

1. Residential dwelling units shall comply with Section 11B-233.3.4.2.

2. If the following elements of a path of travel have been constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the California Building Code, it shall not be required to retrofit such elements to reflect the incremental changes in this code solely because of an alteration to an area served by those elements of the path of travel:

1. A primary entrance to the building or facility,
2. Toilet and bathing facilities serving the area,
3. Drinking fountains serving the area,
4. Public telephones serving the area, and
5. Signs.

3. Additions or alterations to meet accessibility requirements consisting of one or more of the following items shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4:

1. Altering one building entrance.
2. Altering one existing toilet facility.

9. *Certain types of privately funded, multistory buildings and facilities were formerly exempt from accessibility requirements above and below the first floor under this code, but as of April 1, 1994 are no longer exempt due to more restrictive provisions in the federal Americans with Disabilities Act. In alteration projects involving buildings and facilities previously approved and built without elevators, areas above and below the ground floor are subject to the 20-percent disproportionately provisions described in Exception 8, above, even if the value of the project exceeds the valuation threshold in Exception 8. The types of buildings and facilities are:*

1. *Office buildings and passenger vehicle service stations of three stories or more and 3,000 or more square feet (279 m²) per floor.*
2. *Offices of physicians and surgeons.*
3. *Shopping centers.*
4. *Other buildings and facilities three stories or more and 3,000 or more square feet (279 m²) per floor if a reasonable portion of services sought and used by the public is available on the accessible level.*

For the general privately funded multistory building exception applicable to new construction and alterations, see Section 11B-206.2.3, Exception 1.

The elevator exception set forth in this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements in this code. For example, floors above or below the accessible ground floor must meet the requirements of this section except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor.

11B-202.5 Alterations to qualified historic buildings and facilities. Alterations to a qualified historic building or facility shall comply with the State Historical Building Code, Part 8, Title 24, of the California Code of Regulations.

Exception: Reserved.

11B-203 General exceptions

11B-203.1 General. Sites, buildings, facilities, and elements are exempt from these requirements to the extent specified by 11B-203.

11B-203.2 Construction sites. Structures and sites directly associated with the actual processes of construction, including but not limited to, scaffolding, bridging, materials hoists, materials storage and construction trailers shall not be required to comply with these requirements or to be on an accessible route. Portable toilet units provided for use exclusively by construction personnel on a construction site shall not be required to comply with Section 11B-213 or to be on an accessible route.

11B-203.3 Raised areas. Areas raised primarily for purposes of security, life safety, or fire safety, including but not limited to, observation or lookout galleries, prison guard towers, fire

towers or life guard stands shall not be required to comply with these requirements or to be on an accessible route.

11B-203.4 Limited access spaces. Spaces not customarily occupied and accessed only by ladders, catwalks, crawl spaces or very narrow passageways shall not be required to comply with these requirements or to be on an accessible route.

11B-203.5 Machinery spaces. Spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment shall not be required to comply with these requirements or to be on an accessible route. Machinery spaces include, but are not limited to, elevator pits or elevator penthouses; mechanical, electrical or communications equipment rooms; piping or equipment catwalks; water or sewage treatment pump rooms and stations; electric substations and transformer vaults; and highway and tunnel utility facilities.

11B-203.6 Single occupant structures. Single occupant structures accessed only by passageways below grade or elevated above standard curb height, including but not limited to, toll booths that are accessed only by underground tunnels, shall not be required to comply with these requirements or to be on an accessible route.

11B-203.7 Detention and correctional facilities. In detention and correctional facilities, common use areas that are used only by inmates or detainees and security personnel and that do not serve holding cells or housing cells required to comply with Section 11B-232, shall not be required to comply with these requirements or to be on an accessible route.

11B-203.8 Residential facilities. In public housing residential facilities, common use areas that do not serve residential dwelling units required to provide mobility features complying with Sections 11B-809.2 through 11B-809.4 and adaptable features complying with Chapter 11A, Division IV shall not be required to comply with these requirements or to be on an accessible route.

11B-203.9 Employee workstations. Employee workstations shall be on an accessible route complying with Division 4. Spaces and elements within employee workstations shall only be required to comply with Sections 11B-207.1, 11B-215.3, 11B-302, 11B-303, and 11B-404.2.3. Common use circulation paths within employee workstations shall comply with Section 11B-206.2.8.

11B-203.10 Raised refereeing, judging and scoring areas. Raised structures used solely for refereeing, judging or scoring a sport shall not be required to comply with these requirements or to be on an accessible route. An accessible route complying with Division 4 shall be provided to the ground- or floor-level entry points, where provided, of stairs, ladders, or other means of reaching the raised elements or areas.

11B-203.11 Water slides. Water slides shall not be required to comply with these requirements or to be on an accessible route. An accessible route complying with Division 4 shall be provided to the ground- or floor-level entry points, where provided, of stairs, ladders or other means of reaching the raised elements or areas.

11B-203.12 Animal containment areas. Animal containment areas that are not for public use shall not be required to comply with these requirements or to be on an accessible

3. Altering existing elevators.
4. Altering existing steps.
5. Altering existing handrails.
4. Alterations solely for the purpose of barrier removal undertaken pursuant to the requirements of the Americans with Disabilities Act (Public Law 101-336, 28 C.F.R., Section 36.304) or the accessibility requirements of this code as those requirements or regulations now exist or are hereafter amended consisting of one or more of the following items shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4:
 1. Installing ramps.
 2. Making curb cuts in sidewalks and entrance.
 3. Repositioning shelves.
 4. Rearranging tables, chairs, vending machines, display racks, and other furniture.
 5. Repositioning telephones.
 6. Adding raised markings on elevator control buttons.
 7. Installing flashing alarm lights.
 8. Widening doors.
 9. Installing offset hinges to widen doorways.
 10. Eliminating a turnstile or providing an alternative accessible route.
 11. Installing accessible door hardware.
 12. Installing grab bars in toilet stalls.
 13. Rearranging toilet partitions to increase maneuvering space.
 14. Insulating lavatory pipes under sinks to prevent burns.
 15. Installing a raised toilet seat.
 16. Installing a full-length bathroom mirror.
 17. Repositioning the paper towel dispenser in a bathroom.
 18. Creating designated accessible parking spaces.
 19. Removing high-pile, low-density carpeting.
5. Alterations of existing parking lots by resurfacing and/or restriping shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4.
6. The addition or replacement of signs and/or identification devices shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4.
7. Projects consisting only of heating, ventilation, air conditioning, reroofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by this code, such

as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals and office equipment shall not be required to comply with Section 11B-202.4 unless they affect the usability of the building or facility.

8. When the adjusted construction cost is less than or equal to the current valuation threshold, as defined in Chapter 2, Section 202, the cost of compliance with Section 11B-202.4 shall be limited to 20 percent of the adjusted construction cost of alterations, structural repairs or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20 percent, compliance shall be provided to the greatest extent possible without exceeding 20 percent.

When the adjusted construction cost exceeds the current valuation threshold, as defined in Chapter 2, Section 202, 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. 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, Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification.

For the purposes of this exception, the adjusted construction cost of alterations, structural repairs or additions shall not include the cost of alterations to path of travel elements required to comply with Section 11B-202.4.

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 altered area;
3. At least one accessible restroom for each sex or a single accessible unisex restroom;
4. Accessible telephones;
5. Accessible drinking fountains; and
6. When possible, additional accessible elements such as parking, signs, storage and alarms.

If an area has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area or a different area on the same path of travel are undertaken within three years of the original alteration, the total cost of alterations to the areas on that path of travel during the preceding three-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.



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RE: DETERMINATION OF "ADJUSTED CONSTRUCTION COST"

The 2013 CBC introduced a new phrase in section 11B-202.4 exc. #8; "adjusted construction cost". In the previous codes the phrase was "total construction costs". There is not, however, a definition of this new phrase in the CBC.

There is, however, a definition for the word "alteration" as follows;

[A] ALTERATION. Any construction or renovation to an existing structure other than repair or addition. *[DSA-AC] A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.*

The highlighted portions are the significant portions of this definition.

First, the portions of text that are italicized are the Division of the State Architect's (DSA) amended definition of the word and as such applies only to Chapter 11B. The other chapters use the non-italicized portion.

Second, the highlighted phrase, "Normal maintenance...changes to the mechanical and electrical systems are not alterations unless they affect the usability of the building" means that since these items have been specifically excluded from the definition of an alteration, they don't trigger Section 11B-202.3 or 11B-202.4 so the costs for this would not be included in the "adjusted cost of construction" as it would have in the past when the phrase was "total cost of construction".

There is also an exception to this alteration section (see box below) that says if your project only does certain items, then the path of travel upgrade requirements are not triggered. This means that all we would have to do is separate out these items and put them in their own permit and the upgrades are not triggered. Since the grouping of all items to be done on one permit is strictly an administrative function for ease of tracking, that should not trigger this additional requirement.

7. Projects consisting only of heating, ventilation, air conditioning, reroofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by this code, such as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals and office equipment shall not be required to comply with Section 11B-202.4 unless they affect the usability of the building or facility.