

INTRODUCTION

The 2019 California Building Code, Chapter 11B, Title 24 Accessibility Standards have specific provisions allowing certain features of a facility to be constructed without providing for full and strict compliance with the minimum requirements, if found, in order to be eligible for a specific exemption. This handout is provided to help explain the complexities of the State's provisions. Review and applicability of the Unreasonable Hardship provisions are determined on a project-by-project basis.

DIVISION IV -- SECTION 11B-402 ACCESSIBILITY FOR EXISTING BUILDINGS

Scope

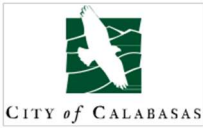
The provisions of this division apply to renovations, structural repair, alterations, and additions to existing buildings, including those identified as historic buildings. This division identifies minimum standards for removing architectural barriers, and providing and maintaining accessibility to existing buildings and their related facilities.

General

All existing buildings and facilities, when alterations, structural repairs or additions are made to such buildings or facilities, shall comply with all provisions of Division 1 – New Buildings, except as modified by this division. These requirements shall apply only to the area of specific alteration, structural repair or addition and shall include a primary entrance to the building or facility and the primary path of travel to the specific area of alteration, structural repair or addition, and sanitary facilities, drinking fountains, signs and public telephones serving the area.

Exceptions:

1. When the total construction cost of alterations, structural repairs or additions to existing buildings and facilities do not exceed a valuation threshold of **\$186,172.00** based on January 2022, "ENR US20 Cities" Average Construction Cost Index (Engineering News Records, McGraw Hill Publishing Company), and the enforcing agency finds that compliance with this code creates an unreasonable hardship, compliance shall be limited to the actual work of the project. The enforcing agency shall annually update the valuation threshold to a current amount based on the increase in the index since the last figure used. For purposes of this exception, an unreasonable hardship exists where the 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, where it exceeds 20% of the cost of the project without these features. Where the cost of alterations necessary to make these features fully accessible is disproportionate, access shall be provided to the extent that it can be without incurring disproportionate cost. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:
 - 1.1. An accessible entrance;
 - 1.2. An accessible route to the altered area;
 - 1.3. At least one accessible restroom for each sex;
 - 1.4. Accessible telephones;
 - 1.5. Accessible drinking fountains; and
 - 1.6. When possible, additional accessible elements such as parking, storage and alarms.

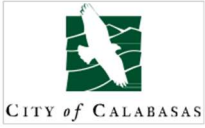


The obligation to provide access may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking. If an area has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area or a different area on the same path or 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.

2. 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 the effective date of this regulation are no longer exempt due to more restrictive provisions in the Federal ADA. 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 disproportionality provisions described in Exception 1, above, even if the value of the project exceeds the valuation threshold in Exception 1. *
3. Alterations, structural repairs or additions consisting of one or more of the following shall be limited to the actual work of the project:
 - 3.1. Altering one building entrance to meet accessibility requirements.
 - 3.2. Altering one existing toilet facility to meet accessibility requirements.
 - 3.3. Altering existing elevators to meet accessibility requirements.
 - 3.4. Altering existing steps to meet accessibility requirements.
 - 3.5. Altering existing handrails to meet accessibility requirements.
 - 3.6. Alteration solely for the purpose of removing barriers undertaken pursuant to the requirements promulgated pursuant to the Americans with Disabilities Act (Public Law 101-336, 28 C.F.R Section 36.402, 28 C.F.R Section 36.404, 28 C.F.R. Section 36.405, and 28 C.F.R. 36.406) or the accessibility requirements of this code as those requirements or regulations now exist or are hereafter amended, and shall be limited to the actual work of the project. *
4. Projects which consist 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, office equipment, etc., are not considered alteration projects for the purposes of accessibility for persons with disabilities and shall not be subject to this code unless they affect the usability of the building or facility. For the purposes of this section, the term "construction cost" does not include building permit fees or discretionary permit fees.

The only purpose of this exception is to exclude projects from activating the provisions of this section. The exceptions are not intended to relieve projects from complying with other applicable provisions of this code (e.g., replacement of carpet does not activate the provisions of this section; however, it still must comply with Section 11B).*

*Condensed for clarity. See the California Building Code Section 11B for full code text.



TECHNICALLY INFEASIBLE 11B.213.2 Exception 1

Where it is technically infeasible in the area of alteration to make existing toilet facilities code compliant and to install separate toilet facilities for each sex, then the installation of at least one unisex toilet/facility per floor being altered, located in the same area as the existing toilet facilities, will be permitted. Such a facility shall meet the requirements of Section 1115B.3.2.

EXPENDITURES FOR UNREASONABLE HARDSHIP COMPLIANCE

When an exemption is approved for partial compliance, the costs of the accessible upgrades are in addition to the value of the original alteration or improvement cost.

DETERMINING PRIMARY OBLIGATIONS IN ALTERATIONS AND IMPROVEMENTS

It is extremely important to understand the difference between what is required for the "Specific Area of Alterations" and what modifications are required for the "Primary Path of Travel." These are totally separate issues and must be dealt with separately.

PRIMARY PATH OF TRAVEL 11B-202.4

This part determines what modifications will be necessary to provide an accessible path of travel to the specific area of alteration.

The "Path of Travel" is defined as: A passage that may consist of walks and sidewalks, curb ramps, and pedestrian ramps, lobbies and corridors, elevators, other improved areas, or a necessary combination therefore, that provided free and unobstructed access to and egress from a particular area of location for pedestrian and/or wheelchair users. A path of travel includes a continuous, unobstructed way of pedestrian passage by means of which connect a particular area with an exterior approach (including sidewalk, streets and parking area), an entrance to the facility, and other parts of the facility. In existing buildings, when alterations, structural repairs or additions are made, the term "Path of Travel" also includes the sanitary facilities, telephones, drinking fountains and signs serving the altered area (1102B).

SINGLE PATH

It is only necessary to provide a single primary path of travel to the area of specific alteration. This path of travel should be the most direct common route from the area of specific alteration to the primary entrance and out to the exterior approaches and must include access to the sanitary facilities, drinking fountains, and public telephones serving the area of specific alteration.

COMPLIANCE

Determination of Unreasonable Hardship is based solely on the 2019 California Building Code accessibility requirements of Section 11B and the specifically adopted codes as amended by the City of Calabasas Municipal Code. The exemption and subsequent plan review approvals have not been reviewed for Federal ADA compliance. It is the applicant's responsibility to check with your Design Professional or Attorney as needed to determine ADA applicability and compliance requirements.