



# Access California

## 2013 CBC Provisions for Existing Buildings & Alterations

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# Alterations

## What is an Alteration?

ALTERATION - A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility.



## Alterations

Alterations include, but are not limited to:

- Remodeling
- Renovation
- Rehabilitation
- Reconstruction
- Historic Restoration

plus . . .



## Alterations

### More Alterations:

- Resurfacing circulation paths or vehicular ways
- Changes to or rearrangements of structural parts or elements
- Changes to or rearrangements of the plan configuration of walls and full height partitions.



# Alterations

## Examples of Alterations:

- Carpet replacement
- Parking lot resurfacing and restriping
- Operable parts of HVAC system replacement
- Door handle replacement
- Light switch replacement



## Alterations

Certain projects are not alterations, unless usability is affected:

- Normal maintenance
- Painting or wall covering
- Re-roofing
- Changes to mechanical or electrical systems



# Alterations

## Path of Travel Upgrade Requirements

- 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.



\*11B-202.4 Path of travel requirements in alterations, additions and structural repairs

## Path of Travel Elements

The primary accessible Path of Travel (POT) includes the following elements serving the area of alteration:

- A primary entrance to the building or facility from site arrival points
- Toilet and bathing facilities
- Drinking fountains
- Public telephones
- Signs (California requirement)

**If POT elements fully compliant, no additional work required.**

## Path of Travel Upgrades

Existing POT elements serving the area of alteration must:

- Be brought into compliance with current requirements when the cost to do so is not disproportionate to the project cost.
- “Disproportionate” = not exceeding 20% of the project cost.
- ADA applies 20% limit without regard to valuation.
- CBC uses two-tiered approach for project costs below and above a “Valuation Threshold”.



## Path of Travel Upgrades

### Path of Travel Upgrades – CBC Valuation Threshold

- Indexed annually – currently **\$143,303**

### When adjusted construction cost $\leq$ valuation threshold:

- Cost of compliance limited to 20% of adjusted construction cost.
- If all POT elements cannot be brought into compliance within the 20% budget, choose elements in priority order for greatest access.

## Path of Travel Upgrades

**Three year rule** - Small alterations served by the same Path of Travel - total cost of all projects will determine when the cost upgrades is disproportionate.

**Adjusted construction cost** – does not include cost of POT upgrades. For example:

- Basic Project Cost = \$120,000
- Maximum cost of compliance -  $\$120,000 \times 0.20 = \$24,000$
- Project Construction Cost =  $\$120,000 + \$24,000 = \$144,000$
- Adjusted construction cost = \$120,000, remains under threshold

## Path of Travel Upgrades

When adjusted construction cost > valuation threshold -

- Cost of full compliance for required POT elements is unlimited,  
unless –
  - Enforcing authority makes a finding, on a case specific basis, that full compliance would be an “**Unreasonable Hardship**”,  
then
- Cost of partial compliance shall not be less than 20% of the adjusted construction cost.

## Path of Travel Upgrades

Path of Travel Upgrades – Prioritization When Cap is Reached Without Full Compliance



- Entrance
- Route to area of alteration (different from the ADA)
- Sanitary Facilities
- Public Telephones
- Drinking Fountain
- Other elements, such as parking, storage etc.



## Path of Travel Exceptions

**POT upgrades not required for projects consisting only of:**

- Heating, ventilation, air conditioning
- Re-roofing
- Electrical work not involving placement of switches and receptacles
- Cosmetic work such as painting or wall covering
- Equipment not considered to be a part of the architecture of the building or area, such as computer terminals and office equipment

## Path of Travel Exceptions (cont.)

POT Upgrades not required for projects consisting only of:

- Maintenance activities
- Changes to electrical systems
- Changes to mechanical systems

For projects covered by these exceptions - path of travel upgrades not required unless the usability, in terms of access, of the building or facility is affected.

## Safe Harbor for POT Elements

11B-202.4 Exception 2. - Retrofit of POT elements for incremental code changes **shall not** be required when they have been constructed or altered in compliance with immediately preceding edition of the CBC.

Applies to:

- Primary entrance
- Toilet and bathing facilities
- Drinking fountains
- Public telephone
- Signs.



## Unreasonable Hardship

Compliance would make the specific work of the project infeasible, based on an overall evaluation of:

- The cost of providing access
- The cost of all proposed construction
- The impact of compliance on the financial feasibility of the project
- The nature of accessibility that would be gained or lost
- The nature of the use of the facility and its availability to persons with disabilities

## Unreasonable Hardship

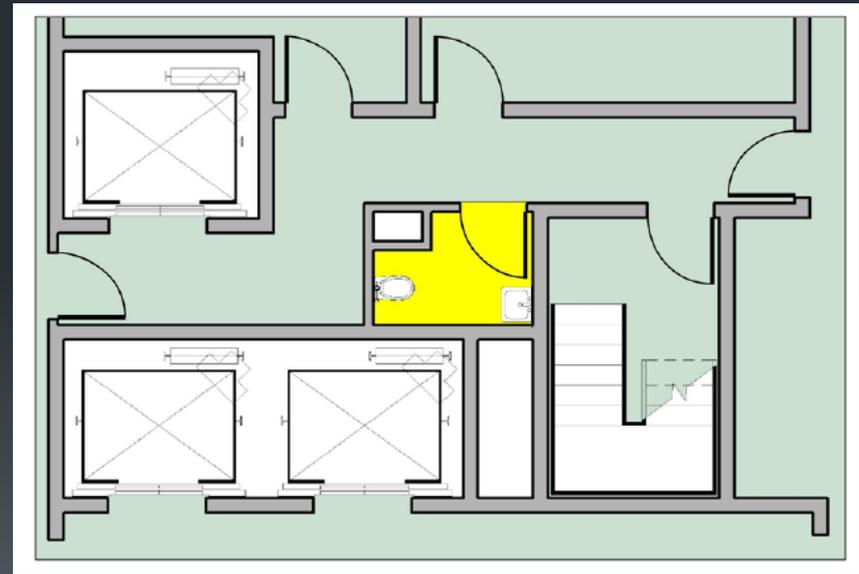
- Defined in Chapter 2 Section 202 – Definitions
- Details of any finding of unreasonable hardship **shall** be recorded and entered into the files of the enforcing agency.
- Specific “pre-approved” unreasonable hardships in 2010 CBC and prior editions removed – US DOJ certification concerns.

## Technical Infeasibility

Recognizes less than full compliance within the area of work during alterations

Section 11B-106.5

“Something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame . . .”



## Technical Infeasibility

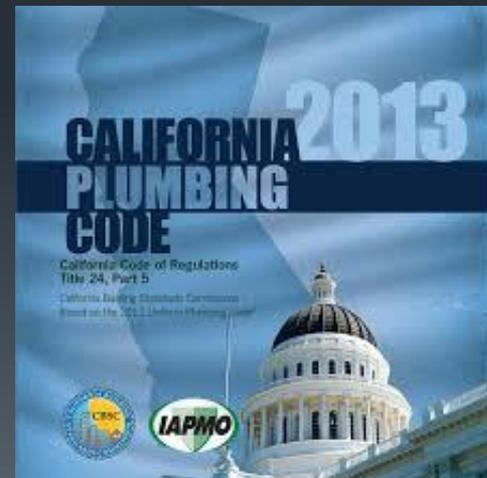


“ . . . or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements.”

## Technical Infeasibility

**Code Conflicts** - Also may occur when compliance conflicts with applicable building, plumbing, life safety or other codes.

For example, combining two toilet compartments to create one accessible stall may then violate the Plumbing Code's required fixture count.



## Technical Infeasibility

Finding of technical infeasibility requires:

- Case-by-case determination
- Based on existing constraints / conditions and the scope of work
- Compliance required to the “maximum extent feasible”



Details of any finding of technical infeasibility **shall** be recorded and entered into the files of the enforcing agency.

## Recommended Approach

**Early discussion with enforcing authority.**

- Is project an alteration?
- If alteration, does an exception apply?
- If no exception, compliance of existing POT elements?
- If non-compliant, include upgrades in project scope.



## Available Resources

The following materials are available on DSA's [California Access Compliance Reference Materials](#) web page:

- [2010 CBC-2013 CBC Cross Reference Matrix \(PDF – 1.20 MB\) | \(Word – 1.46 MB\)](#)
- [2013 CBC Expanded Table of Contents for Chapter 11B \(PDF – 165 KB\) | \(Word – 77 KB\)](#)
- [2013 CBC Advisory Manual \(PDF – 12.2 MB\) | \(Word – 15.9 MB\)](#)

Copies of all California codes available online at:

- <https://law.resource.org/pub/us/code/bsc.ca.gov/>

## DSA Contact Information

### Technical Assistance Questions

- Email [DSAAccess2013@dgs.ca.gov](mailto:DSAAccess2013@dgs.ca.gov)
- Internet <http://www.dgs.ca.gov/dsa/Programs/progAccess.aspx>

