

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

Disciplines: Accessibility

History:

04-27-15 Issued

PURPOSE: This Interpretation of Regulations (IR) provides guidance for projects submitted for accessibility review to the Division of the State Architect (DSA) on the upgrade of path of travel elements to the current edition of the California Building Code (CBC) when the area they serve is altered, added to or structurally repaired.

BACKGROUND: A project at an existing site is an alteration of that facility and subject to the requirements of CBC Section 11B-202.4: Path of travel requirements in alterations, additions and structural repairs. This applies to 1) alteration or structural repair of an existing building or feature on the site or 2) addition of a new building or new elements to an existing building, facility or site.

INTERPRETATION:

1. SCOPING CONSIDERATIONS FOR ALTERATION PROJECTS: A project at an existing facility is an alteration of that facility. This applies when either 1) existing elements are altered or 2) new elements, up to and including new buildings, are added.

1.1 Maintenance and Repair Projects: Projects limited to maintenance or repair are not alterations and do not trigger accessibility requirements. Definitions related to alteration projects are included in [Attachment 1](#) of this IR.

1.2 Compliance with New Construction Requirements: The basic work of any project, whether new construction, an addition to an existing building or facility or an alteration of an existing building or facility, must comply with the following requirements for new construction:

- **“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.”¹*
- **“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.”*

1.3 General Exceptions: The code then provides general exceptions to the requirements in 11B-203.² Many of these exceptions are applicable to public school, community college and higher education projects; a copy of Section 11B-203 is provided as [Attachment 2](#) to this IR.

1.4 Accessible Route Requirements: For additions, the new construction provisions require an accessible route from the area of the addition to other accessible areas of the building, site or facility:

- **“11B-206.2.2 Within a site.** *At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.”*

¹ “These requirements” means the accessibility provisions of Chapter 11B and related sections within the California Building Code, current edition.

² **“11B-203.1 General.** Sites, buildings, facilities and elements are exempt from these requirements to the extent specified by Section 11B-203.”

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1.5 Accessible Route Requirements for Campus Settings: For campus-style school facilities with multiple buildings and functional areas, the accessible route/path of travel situation can become more complex. The following factors may apply to projects on existing campus facilities:

- New construction on an existing site must be connected, as part of the basic project scope, with an accessible route to existing on-site circulation paths and accessible routes.
- When multiple paths of travel to a specific area of alteration, addition or structural repair are present but not code compliant, Section 11B-202.4 requires the upgrade of only a single primary path of travel to the project area. Upgrades of secondary paths of travel shall not be required.
- Path of travel (POT) upgrades only apply to existing construction; any new POT elements or accessible routes being provided as part of the basic project scope are not considered path of travel upgrades.
- The cost of new POT elements or a new accessible route is part of the project's adjusted construction cost and cannot be used to satisfy the 20-percent disproportionate cost limitation for path of travel upgrades on projects with an adjusted construction cost below the valuation threshold. See Section 3.1 of this IR.

1.6 Vehicular Way Exception: Again, there are exceptions to these general requirements. For example, if the only means of access between accessible buildings, accessible facilities, accessible elements and accessible spaces on a site is a vehicular way not providing pedestrian access, an accessible route connecting them is not required.^{3, 4} The Section 11B-203 exceptions also apply to the extent specified.

2. PATH OF TRAVEL UPGRADE REQUIREMENTS FOR ALTERATION PROJECTS

2.1 Path of Travel Elements: Under the CBC, certain alteration, addition and structural repair projects trigger requirements for upgrades to accessibility elements outside the project's area of work. These "path of travel" upgrade requirements are found in:

- ***"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 path of travel shall include:*
 - 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.

Section 11B-202.4 then provides nine exceptions to the path of travel requirements; see [Attachment 3](#) for the full text of these exceptions.

2.2 Path of Travel Exterior Elements: In addition to the five specific items listed above, the path of travel also includes an exterior approach to the project area. This requirement must be

³ **11B-206.2.1 Site arrival points Exception 2.** An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing pedestrian access.

⁴ **11B-206.2.2 Within a site Exception.** An accessible route shall not be required between accessible buildings, accessible facilities, accessible elements and accessible spaces on a site if the only means of access between them is a vehicular way not providing pedestrian access.

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evaluated on a project- and site-specific basis and could include parking, site arrival points, bus loading zones and the accessible route connecting them with the primary entrance to the project's area of work.

3. DISPROPORTINATE COST LIMITATIONS

3.1 Disproportionate Costs for Small Projects: Section 11B-202.4, Exception 8 addresses the issue of disproportionate costs for smaller projects and for projects where full compliance would be an unreasonable hardship.

- “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.”
- Alteration, addition and structural repair projects with adjusted construction costs below the valuation threshold shall be permitted to use the disproportionate cost threshold of 20 percent to limit the scope and cost of path of travel upgrades.

3.2 Projects with Adjusted Construction Costs Above the Valuation Threshold: The 20-percent disproportionate cost limitation does not apply to projects with adjusted construction costs above the valuation threshold. These projects must comply with the path of travel upgrade requirements, whatever the cost, to provide a single accessible path of travel to the specific area of alteration. However, Section 11B-202.4 Exception 8 provides:

- *“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.”*
- *A finding of UNREASONABLE HARDSHIP may be made when the enforcing agency (DSA) finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:*
 1. *The cost of providing access.*
 2. *The cost of all construction contemplated.*
 3. *The impact of 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.*
- *“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.”⁵*
- *“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.”*
- *The adjusted construction cost shall not include the cost of alterations to path of travel elements.*

⁵ As long as there are noncompliant elements that need to be corrected, the cost of the path of travel upgrades cannot fall below 20 percent, as that is a requirement of both the 2013 CBC and the 2010 ADA Standards.

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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:

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- 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.

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Attachment 1

Definitions

The California Building Code defines “Alteration” as:

- “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.”

“Facility” is defined in the CBC as:

- “All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site.”

“Alteration or Alter” is defined as:

- “. . . any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing **structure** made by, on behalf of or for the use of a public accommodation or commercial facility. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts of elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.”

The term “structure” within the definition of alteration is broadly defined as:

- “That which is built or constructed.”

The underlying premise is clear—alterations are not limited to projects within buildings and can occur anywhere on a facility or site.

The CBC defines “path of travel” as:

- “An identifiable accessible route within an existing site, building or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term “path of travel” also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work.”

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General Exceptions

11B-203.1 General. Sites, buildings, facilities, and elements are exempt from these requirements to the extent specified by *Section 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 work areas. Spaces and elements within employee work areas shall only be required to comply with *Sections 11B-206.2.8, 11B-207.1, and 11B-215.3* and shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the employee work area.

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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 route. *Animal containment areas for public use shall be on an accessible route.*

11B-203.13 Raised boxing or wrestling rings. Raised boxing or wrestling rings 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-203.14 Raised diving boards and diving platforms. Raised diving boards and diving platforms 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.*

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Attachment 3

Path of Travel Upgrade Requirements

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.
 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.

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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.

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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;
4. Accessible telephones;
5. Accessible drinking fountains; and
6. When possible, additional accessible elements such as parking, 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.

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 disproportionality 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.

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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.