



Building and Safety Division
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Summary of Accessibility Upgrades for Commercial Projects

The provisions of Section 11B-202.4 Exception 8 apply to existing buildings or facilities used as public buildings, public accommodations, commercial buildings or public housing. When these buildings or facilities undergo alterations, structural repairs or additions, an accessible path of travel must be provided to the specific area of alteration.

When the adjusted construction¹ cost of any alteration, structural repair, or additions to existing buildings and facilities within a three-year period does not exceed a valuation threshold of \$200,399.00, the cost of compliance with Section 11B-202.4 of the 2019 California Building Code shall be limited to 20% of the adjusted construction cost of the alteration, structural repair or addition.

The 20% disproportionate cost limitations do not apply to projects with an adjusted construction cost above the valuation threshold of \$200,399.00. These projects must comply with all path of travel upgrade requirements, whatever the cost.

However, the California Building Code Section 11B-202.4 Exception 8 also provides that: “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 considered when the City of San Dimas finds that compliance with the building standards would make the specific work of the overall project affected by the building standards infeasible, based on an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction or improvements 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 or alteration 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% of the adjusted construction cost of alteration, structural repairs or additions. The details of any

¹ Adjusted cost of construction does not include the cost of alterations to path of travel elements required to be upgraded outside the area of alteration, structural repair, or addition.

technical infeasibility or unreasonable hardship must be recorded and entered into the files of the Building and Safety Division.

It is important to point out that barrier removal is an ongoing obligation for American with Disabilities Act for compliance purposes and the permit application or issuance does not exempt the applicant, property owner, or business owner of any obligation to remove barriers in accordance with federal law.

IMPORTANT DEFINITIONS:

- *** **ACCESSIBLE ROUTE**: *A continuous unobstructed path connecting accessible elements and spaces of an accessible site, building or facility that can be negotiated by a person with a disability using a wheelchair, and that is also safe for and usable by persons with other disabilities. Interior accessible routes may include corridors, hallways, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts.*
- *** **PATH OF TRAVEL**: *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.*
- *** **TECHNICALLY INFEASIBLE**: *An alteration of a building or facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing members is an essential part of the structural frame, 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 for new construction which are necessary to provide accessibility.*

INSTRUCTIONS:

Every commercial alteration, structural repair or addition is to fill out the following forms as applicable to the specific project of which an application for a permit is being submitted. The completed filled out forms below are to be reproduced on the plan set that is submitted for plan review.

Someone with knowledge and understanding of the California Building Standards regarding accessibility should review the subject site and determine what features are in compliance with the current requirements, what features are in compliance with the immediately preceding code cycle standards, and what features are missing or are out of compliance with the either standard. It is recommended that you hire a Certified Access Specialist (CASP) to help you evaluate your site prior to plan development. They will better be able to identify the compliant, as well as non-compliant features.

All areas that are not in compliance are to be shown on the plan submittal set and indicate what improvements or upgrades will be made to meet the requirements of 11B-202.4. Slopes of existing walkways, ramps and parking stalls are to be shown. The plans are to clearly show what will be corrected to comply with the current standards and what features will not be altered and left in a non-compliant state, if allowed by the Building Code.

Plans that indicate that the site is in full compliance will be expected to meet all current standards for accessibility. Should non-compliance features be found in the field after permit issuance, it is assumed that the intent of the designer, applicant, business owner and property owner would be that those features are to be brought up to full compliance regardless of any disproportionate cost.

Required forms to be filled out and reproduced on the plans:

- Form PCC – Project Cost of Construction
- Form EFM – Existing Site Feature Matrix

Choose one or more of the forms below (as applicable to the project) fill out and reproduce on the plans.

- Form EF - Request for Equivalent Facilitation
- Form TI - Request for Technical Infeasibility
- Form UH - Request for Unreasonable Hardship
- Form TR – 20% Accessibility Rule



FORM PCC PROJECT COST OF CONSTRUCTION

Project Address:							
All forms that are required to be completed by this document are required to be reproduced on the plan set.							
1	Proposed Use of the Project					(e.g. Retail, Office, Restaurant, etc.)	
2	Describe the area of the remodel, including floor level.						
3	The construction cost of this project excluding disabled access upgrades to the path of travel is:						
	\$	Which is:	(Check One)	<input type="checkbox"/>	More than	<input type="checkbox"/>	Less than
the Accessibility Threshold amount of \$200,399.00 based on the "2022 ENR construction cost index" (The cost index is updated annually)							
4	Is this a City project and/or does it receive any form of public funding?	Check One	<input type="checkbox"/>	Yes	<input type="checkbox"/>	NO	<input type="checkbox"/>
The conditions below must be fully documented by accompanying drawings.							
5	Read A through D below carefully and check the most applicable box <u>after reviewing the site for compliance</u> . Check one box only.						
A:	All existing conditions serving the area of remodel fully comply with access requirements, including all of the path of travel elements at the site (entrance, site arrival points, walkways, ramps, curb ramps, restrooms, telephones, parking stalls and site signage). No further upgrades are required: Fill out the existing site features matrix form.						
B:	The project's adjusted cost of construction is greater than the current valuation threshold: Fill out the existing site features matrix form. Fill out the appropriate request for accessibility exemption form, if applicable.						
C:	The project's adjusted cost of construction is less than or equal to the current valuation threshold: List all items that will be upgraded on the Accessibility 20% Rule form Fill out the existing site features matrix form. All items that will not be fully compliant must be marked "None-Compliant - Will Not Be Made Compliant" column.						
D:	The proposed project consists entirely of Barrier Removal: Fill out the existing site features matrix form.						



FORM EFM EXISTING SITE FEATURES MATRIX

Project Address:					
<p>Please mark the appropriate box at the right for each element of the Path of Travel and specify on the plan where the element is shown and its associated detail that demonstrates its compliance or existing non-compliant condition.</p> <p>Existing Fully Complies (EFC), Will be Upgraded to Fully Comply (WFC), Non-Compliant – Will Not be Made Compliant (NC), Complies with the Immediately Preceding Code (CPC)</p>					
Description of Path of Travel Component:	EFC	WFC	NC	CPC	Sheet Number/Detail Number/Note
<ul style="list-style-type: none"> One accessible entrance including: landings at both sides of the door and at vertical access points, threshold height, door width, hardware, and vertical access component. 					
An accessible route to the area of the remodel or improvement area including:					
<ul style="list-style-type: none"> Accessible route from a public right of way to the accessible building entrance. 					
<ul style="list-style-type: none"> Accessible route from the accessible parking and access aisles to the accessible building entrance. 					
<ul style="list-style-type: none"> Curb ramps and detectable warnings. 					
<ul style="list-style-type: none"> Accessible parking stalls and access aisles. 					
<ul style="list-style-type: none"> Corridors, hallways, and floors. 					
<ul style="list-style-type: none"> Ramps, elevators and lifts. 					
<ul style="list-style-type: none"> Accessible restrooms serving the area of alteration. 					
<ul style="list-style-type: none"> Accessible public pay telephones and / or accessible drinking fountains. 					
<ul style="list-style-type: none"> Additional accessible elements such as stairways and / or signage. If other please provide notes to clarify. 					
Additional Notes or Comments:					



**FORM EF
REQUEST FOR ACCESSIBILITY EXCEPTION – EQUIVALENT FACILITATION**

Site Address:				Unit #:	
Proposed Use:		Existing Use:			
Description of proposed work:					
Applicant Name:				Date:	
<input type="checkbox"/>	Owner	<input type="checkbox"/>	Tenant (Business Owner)	<input type="checkbox"/>	Authorized Agent
Applicant Address:					
Applicant's Phone:		Applicant e-mail:			
Applicant's Signature:					

EQUIVALENT FACILITATION REQUEST

CBC 11B-103, Nothing in these requirements prevent the use of designs, products or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.

We, request that the following be approved as an equivalent facilitation to the prescriptive regulations. This equivalency will provide equal or greater accessibility and usability. This equivalency provides for the maximum independence of persons with disabilities while presenting the least risk of harm, injury or other hazards to such persons or others.

(detailed description of the requested equivalency is written below, details, documents and drawings will be provided if required).



FORM TI

REQUEST FOR ACCESSIBILITY EXCEPTION - TECHNICAL INFEASIBILITY

Site Address:		Unit #:	
Proposed Use:		Existing Use:	
Description of proposed work:			
Applicant Name:		Date:	
Owner	Tenant (Business Owner)	Authorized Agent	
Applicant Address:			
Applicant's Phone:		Applicant e-mail:	
Applicant's Signature:			

TECHNICAL INFEASIBILITY REQUEST

11B-202.3, for alterations, where the enforcing authority determines compliance with applicable requirements are technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible.

This alteration is technically infeasible due to:

- It would require removal or alteration of a load bearing member that is an essential part of the structural frame.
- Other existing physical or site constraints.

(detailed description of the technical infeasibility is written below, details, documents and drawings will be provided, if required.)



FORM UH
REQUEST FOR ACCESSIBILITY EXCEPTION - UNREASONABLE HARDSHIP

Site Address:				Unit #:	
Proposed Use:		Existing Use:			
Description of proposed work:					
Applicant Name:				Date:	
	Owner	Tenant (Business Owner)	Authorized Agent		
Applicant Address:					
Applicant's Phone:		Applicant e-mail:			
Applicant's Signature:					

UNREASONABLE HARDSHIP REQUEST

The California Building Code Section 11B-202.4, exception 8: When the adjusted construction cost exceeds the current valuation threshold, and the enforcing agency determines that the cost of compliance with Section 11B-202.4 is an unreasonable hardship, full compliance shall not be required. Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship. In not case shall the cost of compliance be less than 20% of the adjusted construction cost.

We request that this project be granted an exception from the following specified requirements of Title 24 Part 2 of the California Code of Regulations because compliance would create an unreasonable hardship as defined in Section 202 of Title 24.

The accessible features that will not be provided are:

(continued on next page)

The location of these features and their non-compliant condition are detailed on the plans and they may be found on sheet(s) and detail(s):

1. Total Adjusted cost of construction for the project:	\$	
2. Cost of the accessible feature(s) which will not be provided as noted on the existing site feature matrix form.	\$	
3. Percentage of total cost (divide line 2 by line 1)		
4. Cost of accessible feature(s) which will be modified to bring into compliance with this alteration as noted on the existing site feature matrix form.	\$	
5. Percentage of total cost (divide line 4 by line 1)		

Reference drawings and give a description of how compliance will be provided to the maximum extent possible:

	Approved		Denied	By:	
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FORM TR 20% ACCESSIBILITY RULE

This form is only required for projects equal to or under the valuation threshold as noted on the project cost of construction worksheet. This sheet is for providing an itemized list of the estimated cost for the expenditures used for disabled access upgrades for this project.

California Building Code Section 11B-202.4 Exception 9 (abbreviated): 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% disproportionality provisions described in Exception 8.

Documentation of the construction costs may be required to be submitted with this form.

A	Cost of construction (valuation) for the proposed improvements, excluding alterations to the path of travel as required by 11B-202.4	\$
B	20% of line A (cost of construction multiplied by .20)	\$
List the upgrade expenditures and their respective construction costs below:		
C		\$
D		\$
E		\$
F		\$
G		\$
H		\$
I		\$
J		\$
K		\$
L		\$
M	Total of Upgrade Expenditures	\$
Line "M" should be approximately equal to, but it need not exceed line "B"		