



INFORMATION SHEET

NO. DA-13

DATE : January 29, 2016
CATEGORY : Disabled Access
SUBJECT : **Change of use and occupancy, and path of travel upgrades**

SECTIONS INVOLVED

: **2013 San Francisco Building Code Sections**
- 11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs
- 2013 California Access Compliance Advisory Reference Manual, Advisory 11B-202.3 Alterations (change in occupancy)

INTENT : **Item 1.** To clarify the SFBC requirements for path of travel upgrades when a building undergoes a change of occupancy.
Item 2. To clarify 11B-202.4 exception #2.

DISCUSSION :

Item 1. Change of Occupancy: There has been much confusion as to the extent of path of travel upgrades required when a permit is submitted for a change of occupancy. The DSA has published an Advisory (11B-202.3) in which it is stated that "the entire building (or portion thereof) is considered the area of alteration. The entire building (or portion thereof) must be upgraded to comply with current accessibility requirements for new construction."

Although this may sound a bit confusing and somewhat overwhelming at first reading, upon careful consideration it is actually no different than most other alterations. The main purpose of the Advisory is to establish that a change of occupancy is considered an alteration. Note that this is for a change of "occupancy" and does not apply to a change of "use" unless the change of use would alter the occupancy classification.

As it is an alteration, the same requirements for any other alteration apply. If the project is under the threshold amount, then 11B-202.4 exception 8 would limit the cost of upgrades to a maximum of twenty percent (20%) of the adjusted construction cost.

If the permit is solely to document a change of occupancy and no actual work is being done, the project is under the threshold and the applicant would be responsible for twenty percent (20%) of the one dollar permit valuation (twenty cents). This would require the checklist to be filled out along with Form C. For example, a new ISA placed on a door would fulfill this obligation.

If the project includes work and is over the threshold, then the entire area that is changing occupancy would be subject to upgrade. If this is the entire building, then all areas would have to be addressed; but if it is only part of a building, then only that part would have to be upgraded. For example, a bookstore in a building with four total commercial spaces changes to a health club; the health club tenant space ("or portion of the building") would have to be upgraded, but the remainder of the building would be exempt.

The exceptions for technical infeasibility would apply and the applicant could also apply for an unreasonable hardship if the cost would prove disproportional and would jeopardize the project. The Department could grant such a hardship, but it would have to be ratified by the AAC.

Item 2. 11B-202.4 Exception #2: This exception has proven to be a bit confusing for some applicants. To clarify, it is important to understand a few simple points.

Exception #2 only applies to the five (5) listed elements of the path of travel and does not apply to other elements such as the accessible route to the area of alteration; i.e., elevators and parking spaces. It would apply to the clear space around a water closet in toilet rooms, and would allow a lavatory that is 28 inches from the water closet to remain. Existing van parking spaces would have to be upgraded to one in six from one in eight and the height of elevator cab buttons must be brought into compliance barring other exceptions.

In this exception, the language "constructed or altered in compliance with the immediately preceding edition of the California Building Code" does not mean that the existing condition had to be permitted under the preceding code; but rather, that it complies with those code requirements found in the preceding edition. This exception could apply to a space that was constructed under a permit issued in 1964 if the elements happened to comply with the preceding code.

The term "immediately preceding edition" means any version of the preceding code, including all errata, supplements and the intermediate code change. "Edition" means the three year cycle; i.e., 2013 CBC, 2016 CBC, 2019 CBC, etc.

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1/29/16

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Director

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on Date

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