CONSTRUCTION CODE APPEALS COMMITTEE
AGENDA

SEPTEMBER 3, 2015 - 4:00 P.M.

CITY HALL CONFERENCE ROOM
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

AGENDA ADDITIONS/DELETIONS

1. **APPEAL OF REQUIREMENT FOR AN ACCESSIBLE RESTROOM - 1022 SOUTH LITTLE CREEK ROAD *(ROBERT H. TUDOR II)***

2. **ADJOURNMENT**

/JS
S:\CLERKSOFFICE\AGENDAS&MINUTES\MISC-AGENDAS\CODE BOARD OF APPEALS\07-21-03.AGENDA.WPD

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

City of Dover

August 26, 2015

Robert H. Tudor II
Tudor Enterprises, LLC
1031 Fowler Court
Dover, DE 19901

Re: Request for Appeal - Requirement of an Accessible Restroom - Property Located at 1022 South Little Creek Road

Dear Mr. Tudor:

I have received your request to appeal the requirement for a public accessible restroom for the property located at 1022 South Little Creek Road in accordance with the Dover Code, Chapter 22 - Buildings and Building Regulations, which adopts by reference the 2009 International Existing Building Code. This appeal was filed in accordance with the Dover Code, Chapter 22 - Buildings and Building Regulations, Section 22-1 - Construction Code Appeals Committee.

A meeting of the Construction Code Appeals Committee has been scheduled for Thursday, September 3, 2015 at 4:00 p.m. in the City Hall Conference Room, 15 Loockerman Plaza, Dover, Delaware 19901 to hear your appeal.

Please feel free to contact me by e-mail at cityclerk@dover.de.us or by phone at (302) 736-7008 if you have any questions or concerns.

Sincerely,

Traci A. McDowell

Traci A. McDowell, CMC
City Clerk

TAM/js
S:\APPEALS\2015\1022 South Little Creek Road - Appeal of Requirement for Handicapped Accessible Restroom\Construction Code Appeals Committee Hearing Notification - 1022 South Little Creek Road - Robert Tudor - Notification Letter.wpd

cc: Ann Marie Townshend, Director of Planning & Community Development
Scott Koenig, City Manager
Greg Akers, Chief Building Inspector
Nicholas Rodriguez, City Solicitor

ARTICLE I. IN GENERAL

Sec. 22-1. Construction code appeals committee.
Sec. 22-2. Housing authority created; purpose.
Secs. 22-3—22-30. Reserved.

Sec. 22-1. Construction code appeals committee.

(a) *Established; composition; appointment.* There shall be a committee to be referred to as the "construction code appeals committee," consisting of three members, one of whom shall be the city manager and the other two being elected city officials. The city officials shall be appointed by the city council president at the council annual meeting.

(b) *Appeals.* Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction code appeals committee. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing.* Upon receipt of such an appeal, the construction code appeals committee shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction code appeals committee shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994)

Sec. 22-2. Housing authority created; purpose.

Created; purpose. There shall be a housing authority as provided in 31 Del. C.

(Ord. of 4-10-2006(1))

Secs. 22-3—22-30. Reserved.

TUDOR ENTERPRISES, LLC
1031 Fowler Court
Dover, DE 19901
302-736-8255

RECEIVED
AUG 11 2015
OFFICE OF THE CITY CLERK

July 30, 2015

City of Dover
15 Loockerman Plaza
Dover, DE 19901

ATTN: Construction Code Appeals Committee:

Gentlemen:

We presently have a space @ 1022 South Little Creek Rd. that has been vacant for approx 3 years. This space prior to it being vacant has always been a Laundromat since the building was erected in the 1970's. We now have a person interested in renting the space and keeping it as a Laundromat. The existing space had for the most part the original gas dryers and washing machines that were only upgraded when they were not repairable. To say the least, this was probably the downfall of this Laundromat over the years because it hadn't changed with the times. The person who is now interested in renting the space is wanting to install all new equipment. We took it upon ourselves to gut all the existing machines and started looking at the placement of the new machines. Just as a precaution we asked the City of Dover building inspector to visit the site for any input we would need. Mr. Akers came to the site along with the City Fire Marshalls. Mr. Akers explained since we had gutted the space we had to prepare new plans showing what our intentions were in placing the new equipment along with a new fire wall to be erected to meet code. Since that time we hired William Byler as the Architect and Diamond Engineers for preparing the MEP plans.

We recently met with Byler on site to go over some items so he could finish designing the plans. At the meeting Byler had a preliminary plan showing the layout of the space and in doing so he had redesigned the existing restroom to a new handicap accessible restroom. To accomplish this existing walls have to be relocated along with chopping up the existing concrete floors for new plumbing

fixtures and other items. After the meeting I told Byler not to proceed anymore until we thought everything out. Byler contacted Mr. Akers and explained our concerns and Mr. Akers informed Byler that there is an appeal process we can request from the City on building code requirements. The reason for this letter is we would like to appeal the requirement for a handicapped accessible restroom. Our reason for the appeal is for the following.

No. 1 We are not changing the existing layout of the floor plan of where the old machines were verses where the new machines are to be installed. We are really upgrading from old to new washers and dryers in the exact same location.

No. 2 The new washers have a larger capacity for wash loads and the machines are some what larger and need access behind the machines and we need more floor space to achieve that. In doing so, moving existing walls out to expand the restroom will make the space in front of the washers not practical to install because these are all front loading type of washers .

No.3 The Laundromat at this time is not planning to be manned full time. We have visited other Laundromats in the City and found that the ones that do offer public restrooms don't seem to be handicap accessible.

What we are appealing is upgrading the existing restroom to handicap accessible and asking permission to keep the existing restroom plumbing in place and just upgrade any plumbing fixtures that need replacing.

Sincerely,

Robert H. Tudor II

Akers, Gregory C

From: Akers, Gregory C
Sent: Wednesday, July 15, 2015 10:21 AM
To: [redacted]
Subject: FW: RE: RE: Laundromat on South Little Creek Rd

Good morning Bill – would you please forward this to Bobby Tudor. I have tried a few times to send – it keeps coming back and he is unavailable by phone.

Thank you sir,

Greg Akers

From: Akers, Gregory C
Sent: Wednesday, July 15, 2015 10:13 AM
To: [redacted]
Subject: FW: RE: RE: Laundromat on South Little Creek Rd

Good morning,

Below you will find references from both the Plumbing Code and Existing Building Code as adopted by Dover. Please understand that accessibility requirements for existing buildings are based on Occupancy Classification, the Level of Alteration proposed, the applicable code(s) and related sections. Please review this information with your design professional for further research and review as these are references and not a "codes summary" specific to your project.

A codes summary is required with plans submission as is typical for commercial projects undergoing this level of alteration and will either confirm or deny compliance, if compliance cannot be achieved per the code(s) then the same must be demonstrated within the plans submission for proper record.

Your design person will be able to guide and assist you as their client specifically where as I must serve the Public in whole.

I hope you find this information helpful in the path forward.

Greg Akers

2009 IPC – "REFERENCED"

403.3 Required public toilet facilities. Customers, patrons and visitors shall be provided with *public* toilet facilities in structures and tenant spaces intended for public utilization. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 403 for all users. Employees shall be provided with toilet facilities in all *occupancies*. Employee toilet facilities shall be either separate or combined employee and *public* toilet facilities.

403.3.1 Access. The route to the *public* toilet facilities required by Section 403.3 shall not pass through kitchens, storage rooms or closets. Access to the required facilities shall be from within the building or from the exterior of the building. All routes shall comply with the accessibility requirements of the *International Building Code*. The public shall have access to the required toilet facilities at all times that the building is occupied.

2009 IEBC

310.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 of the *International Building Code* and ICC A117.1, unless *technically infeasible*. Where compliance with this section is *technically infeasible*, the *alteration* shall provide access to the maximum extent technically feasible.

Exceptions:
1. The altered element or space is not required to be on an accessible route, unless required by Section 310.7.
2. Accessible means of egress required by Chapter 10 of the *International Building Code* are not required to be provided in existing buildings and facilities.
3. The *alteration* to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply

with the applicable provisions in Chapter 11 of the *International Building Code* and ICC A117.1.

EXISTING BUILDING. A building erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.

ALTERATION. Any construction or renovation to an existing structure other than a *repair* or *addition*. Alterations are classified as Level 1, Level 2, and Level 3.

TECHNICALLY INFEASIBLE. An *alteration* of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or *alteration* of a load-bearing member that 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 and that are necessary to provide accessibility.

310.7 Alterations affecting an area containing a primary function. Where an *alteration* affects the accessibility to, or contains an area of, a *primary function*, the route to the *primary function* area shall be accessible. The accessible route to the *primary function* area shall include toilet facilities or drinking fountains serving the area of *primary function*.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of *primary function*.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or *alteration* of fire protection systems and abatement of hazardous materials.

From: [redacted]
Sent: Tuesday, July 14, 2015 4:03 PM
To: Akers, Gregory C <GAkers@dover.de.us>
Subject: Re: RE: RE: Laundromat on South Little Creek Rd

Thank you for your time.

On 07/14/15, Akers, Gregory C<GAkers@dover.de.us> wrote:

Yes – there is a thread within the code that requires research, I do not want to reference off the cuff as there are details.

I'll find the related references and send what I have based on existing buildings as that is what we are dealing with that will include exceptions to the rule.

Sometime between today and tomorrow if that works for you…

Regards,

Greg

From: [redacted]
Sent: Tuesday, July 14, 2015 2:52 PM
To: Akers, Gregory C
Subject: Re: RE: Laundromat on South Little Creek Rd

Greg,

Thank you for the information. I am hoping you can help me on one last item. I have been searching on the computer for the code requirements for public restrooms and I can't seem to locate anything other than that food service business's is required to have public restrooms. Is it possible to forward any information on this subject.

Thanks again,

Bobby Tudor

On 07/14/15, Akers, Gregory C<GAkers@dover.de.us> wrote:

Good afternoon,

Should you choose to appeal I believe the process is fairly straightforward. I cannot forecast the outcome but code requirements have been appealed with success in the past.

The process is available and there to be used, I take no exception in regard. Both sides are presented, a decision is made and we all move on.

The intent is to see that over time existing structures become more compliant, when circumstances occur that require the same.

Attached is some general information to get you started, for specific details you will want to contact our City Clerk's Office.

More information is also available at our websitewww.cityofdover.com within the "municode" portion of the page.

Respectfully,

Greg Akers

From: [redacted]
Sent: Tuesday, July 14, 2015 12:13 PM
To: Akers, Gregory C
Cc: [redacted]
Subject: Laundromat on South Little Creek Rd

Greg,

We met a few weeks ago at the old laundromat space on South Little Creek Rd. Since that time we had hired Bill Byler to prepare necessary plans for the City's review on the proposed new laundromat lay-out. Yesterday I met again Byler, the MEP engineer, and the tenant. I was informed that a public restroom is required and it must be handicap acceptable. The present space has a restroom that was used only by the tenant before and was not for public use.

The new laundromat was not going to be manned for most part of the day and there is deep concerns on what a public restroom would be like in that area with out anyone being around. There is a liquor store adjacent to this space, there has been drug activity in this area, and it does not make to much sense to have a public restroom available. I conveyed this over to Byler and I think he may had talked to you this morning about our concerns. Bill also mentioned that there is an appeal process we can look into with the City. I told Bill we would look into the appeal and don't proceed anymore until we find out more. I was hoping you can point us in the right direction for making the appeal.

Thank you,

Bobby Tudor

403.1.1 Fixture calculations. To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple *occupancies*, such fractional numbers for each *occupancy* shall first be summed and then rounded up to the next whole number.

Exception: The total occupant load shall not be required to be divided in half where *approved* statistical data indicates a distribution of the sexes of other than 50 percent of each sex.

403.1.2 Family or assisted-use toilet and bath fixtures. Fixtures located within family or assisted-use toilet and bathing rooms required by Section 1109.2.1 of the *International Building Code* are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and mercantile *occupancies*.

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.
3. Separate facilities shall not be required in mercantile *occupancies* in which the maximum occupant load is 50 or less.

403.3 Required public toilet facilities. Customers, patrons and visitors shall be provided with *public* toilet facilities in structures and tenant spaces intended for public utilization. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 403 for all users. Employees shall be provided with toilet facilities in all *occupancies*. Employee toilet facilities shall be either separate or combined employee and *public* toilet facilities.

403.3.1 Access. The route to the *public* toilet facilities required by Section 403.3 shall not pass through kitchens, storage rooms or closets. Access to the required facilities shall be from within the building or from the exterior of the building. All routes shall comply with the accessibility requirements of the *International Building Code*. The public shall have access to the required toilet facilities at all times that the building is occupied.

403.3.2 Location of toilet facilities in occupancies other than covered malls. In occupancies other than covered mall buildings, the required *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

Exception: The location and maximum travel distances to required employee facilities in factory and industrial *occupancies* are permitted to exceed that required by this section, provided that the location and maximum travel distance are *approved*.

403.3.3 Location of toilet facilities in covered malls. In covered mall buildings, the required *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 300 feet (91 440 mm). In covered mall buildings, the required facilities shall be based on total square footage, and facilities shall be installed in each individual store or in a central toilet area located in accordance with this section. The maximum travel distance to central toilet facilities in covered mall buildings shall be measured from the main entrance of any store or tenant space. In covered mall buildings, where employees' toilet facilities are not provided in the individual store, the maximum travel distance shall be measured from the employees' work area of the store or tenant space.

403.3.4 Pay facilities. Where pay facilities are installed, such facilities shall be in excess of the required minimum facilities. Required facilities shall be free of charge.

403.4 Signage. Required *public* facilities shall be designated by a legible sign for each sex. Signs shall be readily visible and located near the entrance to each toilet facility.

403.4.1 Directional signage. Directional signage indicating the route to the *public* facilities shall be posted in accordance with Section 3107 of the *International Building Code*. Such signage shall be located in a corridor or aisle, at the entrance to the facilities for customers and visitors.

SECTION 404
ACCESSIBLE PLUMBING FACILITIES

404.1 Where required. Accessible plumbing facilities and fixtures shall be provided in accordance with the *International Building Code*.

SECTION 405
INSTALLATION OF FIXTURES

405.1 Water supply protection. The supply lines and fittings for every plumbing fixture shall be installed so as to prevent backflow.

405.2 Access for cleaning. Plumbing fixtures shall be installed so as to afford easy *access* for cleaning both the fixture and the area around the fixture.

405.3 Setting. Fixtures shall be set level and in proper alignment with reference to adjacent walls.

405.3.1 Water closets, urinals, lavatories and bidets. A water closet, urinal, lavatory or bidet shall not be set closer

INTERNATIONAL EXISTING BUILDING CODE [2009 (Seventh Printing)]

SECTION 310 ACCESSIBILITY FOR EXISTING BUILDINGS [B]

310.1 Scope. The provisions of Sections 310.1 through 310.9 apply to maintenance, *change of occupancy, additions* and alterations to existing buildings, including those identified as historic buildings.

Exception: Type B dwelling or sleeping units required by Section 1107 of the *International Building Code* are not required to be provided in existing buildings and facilities being altered or undergoing a *change of occupancy.*

310.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

310.3 Extent of application. An *alteration* of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

310.4 Change of occupancy. Existing buildings that undergo a change of group or occupancy shall comply with this section.

310.4.1 Partial change in occupancy. Where a portion of the building is changed to a new occupancy classification, any alterations shall comply with Sections 310.6, 310.7 and 310.8.

310.4.2 Complete change of occupancy. Where an entire building undergoes a *change of occupancy,* it shall comply with Section 310.4.1 and shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to *primary function* areas.
3. Signage complying with Section 1110 of the *International Building Code.*
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is *technically infeasible* to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible.

310.5 Additions. Provisions for new construction shall apply to *additions.* An *addition* that affects the accessibility to, or contains an area of, a *primary function* shall comply with the requirements in Section 310.7.

310.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 of the *International Building Code* and ICC A117.1, unless *technically infeasible.* Where compliance with this section is *technically infeasible,* the *alteration* shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Section 310.7.
2. Accessible means of egress required by Chapter 10 of the *International Building Code* are not required to be provided in existing buildings and facilities.
3. The *alteration* to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 of the *International Building Code* and ICC A117.1.

310.7 Alterations affecting an area containing a primary function. Where an *alteration* affects the accessibility to, or contains an area of, a *primary function,* the route to the *primary function* area shall be accessible. The accessible route to the *primary function* area shall include toilet facilities or drinking fountains serving the area of *primary function.*

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of *primary function.*
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or *alteration* of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an *existing building,* facility or element.

310.8 Scoping for alterations. The provisions of Sections 310.8.1 through 310.8.14 shall apply to alterations to existing buildings and facilities.

310.8.1 Entrances. Accessible entrances shall be provided in accordance with Section 1105 of the *International Building Code.*

Exception: Where an *alteration* includes alterations to an entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible, unless required by Section 310.7. Signs complying with Section 1110 of the *International Building Code* shall be provided.

310.8.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

310.8.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

310.8.4 Stairs and escalators in existing buildings. In *alterations, change of occupancy* or *additions* where an escalator or stair is added where none existed previously and major structural modifications are necessary for installation, an accessible route shall be provided between the levels served by the escalator or stairs in accordance with Sections 1104.4 and 1104.5 of the *International Building Code.*

310.8.5 Ramps. Where steeper slopes than allowed by Section 1010.2 of the *International Building Code* are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 310.8.5.

TABLE 310.8.5 RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

310.8.6 Performance areas. Where it is *technically infeasible* to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

310.8.7 Accessible dwelling or sleeping units. Where Group I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 of the *International Building Code* for Accessible units apply only to the quantity of spaces being altered or added.

310.8.8 Type A dwelling or sleeping units. Where more than 20 Group R-2 dwelling or sleeping units are being added, the requirements of Section 1107 of the *International Building Code* for Type A units apply only to the quantity of the spaces being added.

310.8.9 Type B dwelling or sleeping units. Where four or more Group I-1, I-2, R-1, R-2, R-3 or R-4 dwelling or sleeping units are being added, the requirements of Section 1107 of the *International Building Code* for Type B units apply only to the quantity of the spaces being added.

310.8.10 Jury boxes and witness stands. In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.

310.8.11 Toilet rooms. Where it is *technically infeasible* to alter existing toilet and bathing facilities to be accessible, an accessible family or assisted-use toilet or bathing facility constructed in accordance with Section 1109.2.1 of the *International Building Code* is permitted. The family or assisted-use facility shall be located on the same floor and in the same area as the existing facilities.

310.8.12 Dressing, fitting and locker rooms. Where it is *technically infeasible* to provide accessible dressing, fitting or locker rooms at the same location as similar types of rooms, one accessible room on the same level shall be provided. Where separate-sex facilities are provided, accessible rooms for each sex shall be provided. Separate-sex facilities are not required where only unisex rooms are provided.

310.8.13 Fuel dispensers. Operable parts of replacement fuel dispensers shall be permitted to be 54 inches (1370 mm) maximum, measuring from the surface of the vehicular way where fuel dispensers are installed on existing curbs.

310.8.14 Thresholds. The maximum height of thresholds at doorways shall be $^3/_4$ inch (19.1 mm). Such thresholds shall have beveled edges on each side.

310.9 Historic buildings. These provisions shall apply to buildings and facilities designated as historic structures that undergo alterations or a *change of occupancy,* unless *technically infeasible.* Where compliance with the requirements for accessible routes, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the applicable governing authority, the alternative requirements of Sections 310.9.1 through 310.9.4 for that element shall be permitted.

310.9.1 Site arrival points. At least one accessible route from a site arrival point to an accessible entrance shall be provided.

310.9.2 Multilevel buildings and facilities. An accessible route from an accessible entrance to public spaces on the level of the accessible entrance shall be provided.

310.9.3 Entrances. At least one main entrance shall be accessible.

Exceptions:

1. If a main entrance cannot be made accessible, an accessible nonpublic entrance that is unlocked while the building is occupied shall be provided; or
2. If a main entrance cannot be made accessible, a locked accessible entrance with a notification system or remote monitoring shall be provided.

Signs complying with Section 1110 of the *International Building Code* shall be provided at the primary entrance and the accessible entrance.

310.9.4 Toilet and bathing facilities. Where toilet rooms are provided, at least one accessible family or assisted-use toilet room complying with Section 1109.2.1 of the *International Building Code* shall be provided.

SECTION 3407
GLASS REPLACEMENT

3407.1 Conformance. The installation or replacement of glass shall be as required for new installations.

SECTION 3408
CHANGE OF OCCUPANCY

3408.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the *building official*, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

3408.2 Certificate of occupancy. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

3408.3 Stairways. An existing stairway shall not be required to comply with the requirements of Section 1009 where the existing space and construction does not allow a reduction in pitch or slope.

3408.4 Seismic. When a change of occupancy results in a structure being reclassified to a higher occupancy category, the structure shall conform to the seismic requirements for a new structure of the higher occupancy category. Where the existing seismic force-resisting system is a type that can be designated ordinary, values of R, Ω_0 and C_d for the existing seismic force-resisting system shall be those specified by this code for an ordinary system unless it is demonstrated that the existing system will provide performance equivalent to that of a detailed, intermediate or special system.

Exceptions:

1. Specific seismic detailing requirements of Section 1613 for a new structure shall not be required to be met where the seismic performance is shown to be equivalent to that of a new structure. A demonstration of equivalence shall consider the regularity, over strength, redundancy and ductility of the structure.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located where the seismic coefficient S_{DS} is less than 0.33, compliance with the seismic requirements of Section 1613 is not required.

SECTION 3409
HISTORIC BUILDINGS

3409.1 Historic buildings. The provisions of this code relating to the construction, repair, *alteration*, *addition*, restoration and movement of structures, and change of occupancy shall not be mandatory for *historic buildings* where such buildings are judged by the *building official* to not constitute a distinct life safety hazard.

3409.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into compliance with Section 1612.

Exception: *Historic buildings* that are:

1. *Listed* or preliminarily determined to be eligible for listing in the National Register of Historic Places;
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is *approved* by the Department of Interior.

SECTION 3410
MOVED STRUCTURES

3410.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

SECTION 3411
ACCESSIBILITY FOR EXISTING BUILDINGS

3411.1 Scope. The provisions of Sections 3411.1 through 3411.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as *historic buildings*.

Exception: Type B *dwelling* or sleeping units required by Section 1107 of this code are not required to be provided in existing buildings and facilities being altered or undergoing a change of occupancy.

3411.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be *accessible* shall be maintained *accessible* during occupancy.

3411.3 Extent of application. An *alteration* of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3411.4 Change of occupancy. Existing buildings that undergo a change of group or occupancy shall comply with this section.

3411.4.1 Partial change in occupancy. Where a portion of the building is changed to a new occupancy classification, any alterations shall comply with Sections 3411.6, 3411.7 and 3411.8.

3411.4.2 Complete change of occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 3411.4.1 and shall have all of the following *accessible* features:

1. At least one *accessible* building entrance.
2. At least one *accessible* route from an *accessible* building entrance to *primary function* areas.
3. Signage complying with Section 1110.
4. Accessible parking, where parking is being provided.
5. At least one *accessible* passenger loading zone, when loading zones are provided.
6. At least one *accessible* route connecting *accessible* parking and *accessible* passenger loading zones to an *accessible* entrance.

Where it is *technically infeasible* to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible.

3411.5 Additions. Provisions for new construction shall apply to additions. An *addition* that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3411.7.

3411.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 of this code and ICC A117.1, unless *technically infeasible*. Where compliance with this section is *technically infeasible*, the *alteration* shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an *accessible* route, unless required by Section 3411.7.
2. *Accessible means of egress* required by Chapter 10 are not required to be provided in existing buildings and facilities.
3. The *alteration* to Type A individually owned *dwelling* units within a Group R-2 occupancy shall meet the provision for a Type B *dwelling* unit and shall comply with the applicable provisions in Chapter 11 and ICC A117.1.

3411.7 Alterations affecting an area containing a primary function. Where an *alteration* affects the accessibility to, or contains an area of *primary function*, the route to the *primary function* area shall be *accessible*. The *accessible* route to the *primary function* area shall include toilet facilities or drinking fountains serving the area of *primary function*.

Exceptions:

1. The costs of providing the *accessible* route are not required to exceed 20 percent of the costs of the *alterations* affecting the area of *primary function*.
2. This provision does not apply to *alterations* limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to *alterations* limited solely to mechanical systems, electrical systems, installation or *alteration* of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to *alterations* undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

3411.8 Scoping for alterations. The provisions of Sections 3411.8.1 through 3411.8.14 shall apply to *alterations* to existing buildings and facilities.

3411.8.1 Entrances. *Accessible* entrances shall be provided in accordance with Section 1105.

Exception: Where an *alteration* includes alterations to an entrance, and the building or facility has an *accessible* entrance, the altered entrance is not required to be *accessible*, unless required by Section 3411.7. Signs complying with Section 1110 shall be provided.

3411.8.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

3411.8.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an *accessible* route.

3411.8.4 Stairs and escalators in existing buildings. In *alterations*, change of occupancy or *additions* where an escalator or *stair* is added where none existed previously and major structural modifications are necessary for installation, an *accessible* route shall be provided between the levels served by the escalator or *stairs* in accordance with Sections 1104.4 and 1104.5.

3411.8.5 Ramps. Where slopes steeper than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3411.8.5.

TABLE 3411.8.5
RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

CHAPTER 11
ACCESSIBILITY

SECTION 1101
GENERAL

1101.1 Scope. The provisions of this chapter shall control the design and construction of facilities for accessibility to physically disabled persons.

1101.2 Design. Buildings and facilities shall be designed and constructed to be *accessible* in accordance with this code and ICC A117.1.

SECTION 1102
DEFINITIONS

1102.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in the code, have the meanings shown herein:

ACCESSIBLE. A *site*, building, *facility* or portion thereof that complies with this chapter.

ACCESSIBLE ROUTE. A continuous, unobstructed path that complies with this chapter.

ACCESSIBLE UNIT. A *dwelling unit* or *sleeping unit* that complies with this code and the provisions for *Accessible units* in ICC A117.1.

CIRCULATION PATH. An exterior or interior way of passage from one place to another for pedestrians.

COMMON USE. Interior or exterior *circulation paths*, rooms, spaces or elements that are not for public use and are made available for the shared use of two or more people.

DETECTABLE WARNING. A standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired persons of hazards on a *circulation path*.

DWELLING UNIT OR SLEEPING UNIT, MULTISTORY. See definition for "*Multistory unit*."

DWELLING UNIT OR SLEEPING UNIT, TYPE A. See definition for "*Type A unit*."

DWELLING UNIT OR SLEEPING UNIT, TYPE B. See definition for "*Type B unit*."

EMPLOYEE WORK AREA. All or any portion of a space used only by employees and only for work. *Corridors*, toilet rooms, kitchenettes and break rooms are not *employee work areas*.

FACILITY. All or any portion of buildings, structures, *site* improvements, elements and pedestrian or vehicular routes located on a site.

INTENDED TO BE OCCUPIED AS A RESIDENCE. This refers to a *dwelling unit* or *sleeping unit* that can or will be used all or part of the time as the occupant's place of abode.

MULTILEVEL ASSEMBLY SEATING. Seating that is arranged in distinct levels where each level is comprised of either multiple rows, or a single row of box seats accessed from a separate level.

MULTISTORY UNIT. A *dwelling unit* or *sleeping unit* with *habitable space* located on more than one *story*.

PUBLIC ENTRANCE. An entrance that is not a *service entrance* or a *restricted entrance*.

PUBLIC-USE AREAS. Interior or exterior rooms or spaces that are made available to the general public.

RESTRICTED ENTRANCE. An entrance that is made available for *common use* on a controlled basis, but not public use, and that is not a *service entrance*.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

SERVICE ENTRANCE. An entrance intended primarily for delivery of goods or services.

SITE. A parcel of land bounded by a *lot line* or a designated portion of a public right-of-way.

TYPE A UNIT. A *dwelling unit* or *sleeping unit* designed and constructed for accessibility in accordance with this code and the provisions for *Type A units* in ICC A117.1.

TYPE B UNIT. A *dwelling unit* or *sleeping unit* designed and constructed for accessibility in accordance with this code and the provisions for *Type B units* in ICC A117.1, consistent with the design and construction requirements of the federal Fair Housing Act.

WHEELCHAIR SPACE. A space for a single wheelchair and its occupant.

SECTION 1103
SCOPING REQUIREMENTS

1103.1 Where required. *Sites*, buildings, *structures*, *facilities*, elements and spaces, temporary or permanent, shall be *accessible* to persons with physical disabilities.

1103.2 General exceptions. *Sites*, buildings, *structures*, *facilities*, elements and spaces shall be exempt from this chapter to the extent specified in this section.

1103.2.1 Specific requirements. *Accessibility* is not required in buildings and *facilities*, or portions thereof, to the extent permitted by Sections 1104 through 1110.

1103.2.2 Existing buildings. Existing buildings shall comply with Section 3411.

1103.2.3 Employee work areas. Spaces and elements within *employee work areas* shall only be required to comply with Sections 907.5.2.3.2, 1007 and 1104.3.1 and shall be designed and constructed so that individuals with disabilities can approach, enter and *exit* the work area. Work areas,