



UNDERSTANDING ACCESSIBILITY REQUIREMENTS FOR COMMERCIAL ALTERATIONS (TENANT IMPROVEMENTS)

All commercial occupancies in California are subject to the accessibility requirements of Title III of the 2010 *Federal Americans With Disabilities Act (ADA)*, and Chapter 11B of the *California Building Code (CBC)*. Alterations, also known as tenant improvements (TI's) are also required to comply with these standards. Accessibility requirements for Tenant Improvements have two main components: (1) the area of improvement, and (2) access to the area of improvement including other supporting elements such as toilet facilities, telephones and drinking fountains.

1. Where existing elements or spaces are altered, each altered element or space shall comply with all applicable requirements of CBC chapter 11B. CBC § 11B-202.3
2. 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. CBC § 11B-202.4. Path of Travel is defined in CBC chapter 2 as:

An identifiable accessible route within an existing site, building or facility by means of which a particular area (area of alteration) may be approached, entered, and exited, and which connects a particular area (area of alteration) with an exterior approach (including sidewalks, streets and parking areas), an entrance to the facility, and other parts of the facility.

Tenant Improvement Path of Travel compliance will usually include both internal and external components. Internal compliance requirements include: the primary entrance to the building or facility; an accessible route from the primary entrance to the area of alteration; toilet and bathing facilities serving the area of alteration; drinking fountains and public telephones serving the area of alteration; and signage serving the path of travel and area of alteration. Exterior compliance requirements include parking and an accessible route from parking stalls to the primary entrance (including door landings).

What Is “Path of Travel” and why is it required?

Path of travel requirements are triggered by most alterations to existing buildings. Their purpose is to improve accessibility by ensuring that individuals with disabilities can access not only the altered space, but also the amenities that support it.

Who Is Responsible for Path of Travel Accessibility Upgrades?

It depends.

The permit applicant—whether the tenant or the building owner—is responsible for identifying required path of travel (POT) compliance on the permit plans.

In most tenant improvement projects, the tenant applies. Novato Building Division requires POT compliance to be clearly shown and acknowledged in the construction documents before a permit can be issued. **Please coordinate with your designer to ensure this is included.** POT compliance must be fully detailed in the construction plans. General or blanket POT compliance statements by the design professional are not acceptable.

What Must Be Accessible?

If path of travel upgrades is triggered, the following must meet current accessibility standards:

- Primary entrance to the building
- Route from entrance to the altered area
- Restrooms serving the altered area
- Telephones serving the altered area
- Drinking fountains
- Signage and or accessible parking along the path

Are There Any Exceptions?

Yes. Some projects **do not trigger** path of travel upgrades, including but not limited:

- Repairs or changes limited to:
 - A single entrance, restroom, or elevator
 - Barrier removal only (e.g., adding grab bars or ramps)
 - Restriping a parking lot or replacing signage
 - Cosmetic work (painting, flooring, roofing, etc.)
- Projects solely for increasing the accessibility of existing buildings.

What if the cost of providing path of travel upgrades is disproportionate to overall project cost?

Code officials recognize that for small scope TI projects, POT costs can meet or exceed overall project costs. When the adjusted construction cost, as defined, is less than or equal to the current valuation threshold (currently \$203, 611 and adjusted annually) POT compliance upgrades shall be limited to 20% of the total adjusted cost for alterations and/or additions.

What if my project is over the threshold amount, but the cost of providing POT upgrades is still a hardship?

When the adjusted construction cost, as defined, exceeds the current valuation threshold, as defined, and the Chief Building Official determines the POT cost of compliance is an unreasonable hardship, as defined, full compliance will not be required. Compliance shall be provided by equivalent facilitation, as defined, or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of POT compliance be less than 20% of the adjusted construction cost.

Important Notes:

- When evaluating whether the cost of path of travel upgrades is **disproportionate**, the **total construction cost of all alterations** made to areas **served by the same path of travel** during the **preceding three years** must be **added together**.
- All path of travel upgrades must comply with the **most current version of the California Building Code**.

To avoid confusion or delays, we strongly recommend that tenants and owners work together early to decide who will address and fund required internal and external compliance upgrades.

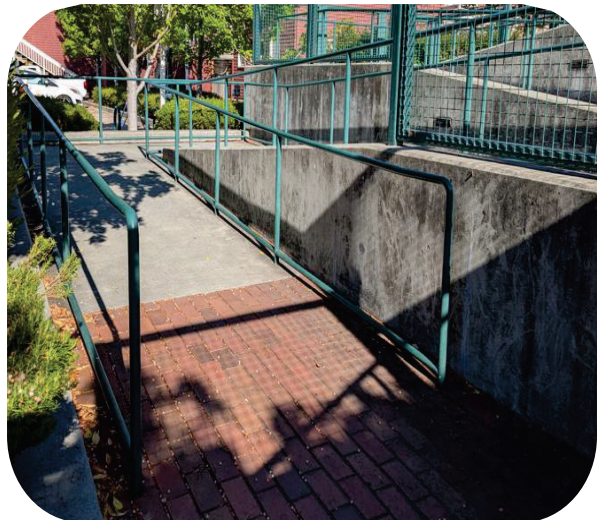
Accessibility regulations apply to both public and private buildings and facilities that offer goods or services to the public. When an existing building undergoes an alteration or structural repair, all newly constructed or modified areas must meet current accessibility standards. Additionally, existing path of travel elements serving the area of work must also comply or be upgraded to comply with those standards.



In this existing building, steps at the entrance have made entry to this business inaccessible to persons with disabilities.



Providing a complying ramp as shown in this example makes the entrance to this existing building accessible to persons with disabilities. However, be advised that ramps are not permitted to encroach into public sidewalks (public right-of-way) without authorization from the City of Novato Public Works Department.



In the illustration shown here, the use of high-low drinking fountains has achieved accessibility by all persons with and without disabilities.



These parking stalls as illustrated, are code complying and accessible to persons with disabilities. They have all the elements of complying accessible parking stalls such as width, depth, sign, ground marking, curb ramp, detectable warning, wheel stop, loading/unloading access aisle, and an accessible path of travel from the parking spaces to the entrances of small businesses in this strip mall.



The handrail at the upper approach of this existing ramp is not provided with a guiderail or curb (in between posts) to prevent wheel entrapment.

