

2009 IEBC Q&A Section 310 – Accessibility for Existing Buildings (Prescriptive Compliance Method)

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*.

310.6 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.

Q: We are converting an older warehouse located in our city's downtown into a mixed-occupancy facility. There will be retail and restaurant spaces on the ground floor and apartment condominiums on the upper four stories. There will be 55 new dwelling units. Because this is a change in occupancy are we correct in assuming that Section 1107.6.2 of the IBC applies and that we will need to provide a combination of Type A and B dwelling units in accordance with Section 310.6? There will be an elevator provided in the renovation.

A: You are partially correct. First, Section 310.6 requires compliance with Chapter 11 of the IBC and ICC A117.1. In accordance with Section 1107.6.2.1.1 of the IBC, at least two percent of the new dwelling units must be Type A units. This will mean at least two Type A units. The balance of the 55 units is exempt from accessibility requirements. The exception to Section 310.1 waives the provision of Type B units in existing buildings. This exception applies even where there is a change of occupancy as substantial as yours in an existing building. Section 310.4 requires specific accessibility improvements when a change of occupancy occurs. [3-19]

Q: We are converting an existing apartment building (Group R-2 occupancy) to a condominium complex. Do we need to comply with Type A and Type B dwelling unit requirements? If the prescriptive compliance method is being used, where do we find the requirements telling us how many units need to be adaptable for persons with disabilities?

A: Any physical renovations occurring simultaneous to the conversion must comply with Section 310. If there are existing accessible dwelling units within the building, they must be retained, and any renovations to elements that affect accessibility must comply with the requirements for new construction. The IBC requires both Type A and B dwelling units in new apartment/condominium buildings, depending on the number of units and whether elevators are present in the building. These requirements are in Sections 1107.6 and 1107.7 of the IBC. If, however, there are no accessible units in the building now, Section 310 of the IEBC exempts building renovators from needing to provide Type B units (Section 310.1). Two percent of the dwelling units, however, would still need to be Type A units.

[3-20]