



Commercial Accessibility – Request for Determination of Technical Infeasibility

Instructions

Full compliance with the Minnesota Accessibility Code is required for alterations and/or changes of occupancies for existing buildings. The code recognizes it may be **technically infeasible** to provide full compliance with code requirements in existing buildings. Even where technical infeasibility is determined, compliance shall be to the maximum extent possible.

TECHNICALLY INFEASIBLE. An alteration of a building or a facility (including a change in occupancy) 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 which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

The code official will consider the request for determination of technical infeasibility. It is up to the code official to determine if the proposal meets the definition of technically infeasible and provides accessibility to the maximum extent possible.

Appropriately prepared “Request for Determination of Technical Infeasibility”

A completed form must document how the project...*has little likelihood of being accomplished because of structural or physical constraints...and will provide required accessibility to the maximum extent feasible.* This must be contained in the form of a **written request** submitted in accordance with the following:

- A completed City of Duluth **Request for Determination of Technical Infeasibility**
- Specifics about the building or structure: Include type of construction, occupancy classification, number of stories, floor area, and other code features relevant to the issue.
- Specifics of the elements being proposed, to include plans, details and specifications. Additional information may be requested upon review of proposal.
- Signatures with dates of the design professional and the owner. The design professional must be the architect or engineer of record. The design professionals may reference work prepared by other consultants in the proposal.

PROJECT INFORMATION	Project Name	Date
	Project Address	Permit Number
	Design Professional	Owner

For each element listed below at the project property, indicate: Is the element accessible now? Will the element be made accessible? Is the element part of the technical infeasibility proposal?

EXISTING ACCESSIBLE ELEMENTS OF PROJECT	Element along path of travel	Is element accessible now?	Will element be made accessible?	Technically infeasible?
	1. Accessible building entrance	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes
2. Accessible route to primary function areas	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
3. Signage	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
4. Accessible parking	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
5. Accessible loading zone	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
6. Accessible route from parking to building entrance	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
7. Toilet facilities	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
8. Other item (specify):	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	

For each element of accessibility affected by technical infeasibility, complete the questions below. Attach supporting plans and documentation with submittal.

Request for Determination of Technical Infeasibility
Specify existing non-complying accessibility elements for which a determination of technical infeasibility is requested.
Describe why full accessibility compliance is technically infeasible for each element. What are the structural conditions or physical constraints to providing accessibility?
Describe what accessible improvement(s) will be made for the elements identified above to meet the code requirements to the maximum extent feasible.

<i>I hereby certify that the information provided is based on the accessibility requirements and existing structural, existing physical or site constraints for this project. With acceptance of these documents by the City of Duluth Construction Services, I understand that although the project is in compliance with the Minnesota State Building Code, this does not constitute an approval for compliance with applicable accessibility laws not enforced by the City of Duluth. Compliance with Americans with Disability Act is required and is not under the jurisdiction of the City of Duluth.</i>	
Design Professional Signature	Date
Owner Signature	Date
<i>Determination of technical infeasibility is not a permit; work shall be performed in accordance with the conditions of this determination, the approved plans and specifications, and the Minnesota State Building Code. A technical infeasibility determination is subject to verification of site conditions prior to or subsequent to issuance of a permit for construction.</i>	
Building Official Determination of Technical Infeasibility	Date
Conditions	