



California Accessibility Course

5 PDH / 5 CE Hours

October 7, 2015 revision

**2013 California Building Code
2010 Americans with Disabilities Act
California Commission on Disability Access**

PDH Academy
PO Box 449
Pewaukee, WI 53072

www.pdhacademy.com
pdhacademy@gmail.com
888-564-9098

Continuing Education for Architects and Engineers

California Accessibility Course Final Exam

- 1.) ADA Title III Regulation 28 CFR Part 36, Section 36.304 contains a list of 21 examples of modifications that may be readily achievable, including:
 - A) Lowering doors
 - B) Adding raised markings on elevator control buttons
 - C) Removing visual alarms
 - D) Installing stairs
- 2.) Regarding priorities for accessibility, "providing access to restrooms (if restrooms are provided for use by customers or clients)" is the _____ priority.
 - A) First
 - B) Second
 - C) Third
 - D) Fourth
- 3.) Is there any legal requirement to hire a CASp?
 - A) Yes, in all cases
 - B) Only for facilities built after 2010
 - C) Only for amusement parks
 - D) No
- 4.) One in every _____ parking spaces shall be designated "van accessible."
 - A) six
 - B) eight
 - C) four
 - D) twelve
- 5.) "Condiment or utensil items are placed above the reach range or are not located on an accessible route," is an error/omission common to:
 - A) Circulation Paths
 - B) Toilet Rooms and Bathrooms
 - C) Restaurants
 - D) Transient Lodging
- 6.) As per the California Commission on Disability Access, there were _____ complaints (demand letters and state/federal cases) filed from September 2012 to October 2014:
 - A) 5392
 - B) 10122
 - C) 1200
 - D) 17
- 7.) The CCDA Vision Statement is:
 - A) Removal of barriers is of paramount importance
 - B) Creating an accessible California – one barrier at a time
 - C) Less barriers = more jobs
 - D) An accessible, barrier free California = Inclusive and equal opportunities and participation for all Californians
- 8.) The Department of Justice has revised its regulations implementing the ADA. This rule took effect on:
 - A) August 3, 1991
 - B) March 15, 2011
 - C) April 1, 2010
 - D) July 1, 2013
- 9.) Where doors do not comply with the maximum opening force or the required distance past the strike edge, a _____ may be considered an acceptable means of equivalent facilitation:
 - A) "soft" closer arm
 - B) tactile panic bar
 - C) power assisted push button
 - D) service animal
- 10.) Where drinking fountains are provided, they shall comply with the location, _____, clear floor space, height, depth, protrusion limits, spout height and location, water flow requirements set forth in Sections 11B-211, 11B-307, and 11B- 602 of the governing California Building Code:
 - A) finish
 - B) texture
 - C) color
 - D) number

Common Questions:

ADA, CERTIFIED ACCESS SPECIALISTS, AND READILY ACHIEVABLE BARRIER REMOVAL

On January 24, 2013 the California Building Standards Commission unanimously approved the Division of the State Architect's (DSA) proposed accessibility regulations for the 2013 California Building Code (CBC). These accessibility provisions were effective as of January 1, 2014.

The 2013 California Building Code (CBC) integrated the most accessible provisions of the 2010 Americans with Disabilities Act (ADA) standards and the 2010 California Building Code into a single comprehensive code. The approved regulations:

- Used the 2004 ADA guidelines as model code.
- Used the format and organization of the 2010 ADA standards to enhance ease of use, compliance with both federal and State regulations, and to ensure certification by the United States Department of Justice.
- Included 171 amendments that incorporated existing California provisions **which provide greater accessibility than ADA standards.**
- Included 41 amendments that struck federal provisions which would have diminished California's current level of accessibility.

The ADA requires companies providing goods and services to the public to take certain limited steps to improve access to existing places of business. This mandate includes the obligation to remove barriers from existing buildings when it is readily achievable to do so. Readily achievable means *easily accomplishable and able to be carried out without much difficulty or expense.*

Many building features that are common in older facilities such as narrow doors, a step or a round door knob at an entrance door, or a crowded check-out or store aisle are barriers to access by people with disabilities. Removing barriers by ramping a curb, widening an entrance door, installing visual alarms, or designating an accessible parking space is often essential to ensure equal opportunity for people with disabilities. Because removing these and other common barriers can be simple and inexpensive in some cases and difficult and costly in others, the regulations for the ADA provide a flexible approach to compliance. This practical approach requires that barriers be removed in existing facilities only when it is readily achievable to do so. The ADA does not require existing buildings to meet the ADA's standards for newly constructed facilities.

The ADA states that individuals with disabilities may not be denied the full and equal enjoyment of the "goods, services, facilities, privileges, advantages, or accommodations" that the business provides – in other words, whatever type of good or service a business provides to its customers or clients. A business or other private entity that serves the public must ensure equal opportunity for people with disabilities.

In preparing for the 2013 California Building Code revisions, the Division of State Architect analyzed – with assistance of nationally-recognized accessibility experts – more than 2,500 items from the 2010 CBC and 2010 ADA Standards to determine which provisions provided greater accessibility. Items studied included, for example, parking spaces, handrails, drinking fountains and signs, transportation facilities, housing and correctional facilities. Like the new 2010 ADA Standards, the 2013 CBC also includes provisions for recreational facilities, including amusement rides, playgrounds, golf courses and fishing piers. It should be noted that while these changes are a step in the right direction, there remain many differences between the 2010 ADA Standards and the California CBC, so businesses in California should take care to comply with both, or if the standards conflict, with the stricter – meaning that which provides greater access.

What is the ADA and how does it apply to a business or facility?

The Americans with Disabilities Act of 1990 (ADA) is federal civil rights law that prohibits discrimination of individuals with disabilities and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Since January 26, 1992, all new construction and all additions and alterations to existing buildings are required to comply with the ADA. The ADA contains no "grandfathering" provisions, therefore, places of public accommodation constructed before January 26, 1992 are required to remove barriers if it is "readily achievable to do so." Existing facilities that built between January 26, 1992 and March 14, 2012 are required to be in compliance with the 1991 Americans with Disabilities Act Accessibility Guidelines (1991 ADAAG) have safe harbor for most provisions of the current 2010 Americans with Disabilities Act Standards (2010 ADAS) which became effective for facilities built after March 15, 2012. In addition, accessible features are required to be maintained – failure to come into compliance or maintain

compliance leaves a business vulnerable to having a discrimination claim filed against it by an individual that is denied access to the business or facility due to physical access barriers.

What businesses are required to remove barriers?

If a business provides goods and services to the public, it is required to remove barriers if doing so is readily achievable. Such a business is called a public accommodation because it serves the public. If a business is not open to the public but is only a place of employment like a warehouse, manufacturing facility or office building, then there is no requirement to remove barriers. Such a facility is called a commercial facility. While the operator of a commercial facility is not required to remove barriers, compliance with the ADA Standards for Accessible Design is mandatory when the facility is altered, renovated or expanded.

What are Public Accommodations?

Under the ADA public accommodations are private entities that own, lease, lease to or operate a place of public accommodation. This means that both a landlord who leases space in a building to a tenant and the tenant who operates a place of public accommodation have responsibilities to remove barriers.

A place of public accommodation is a facility whose operations affect commerce and fall within at least one of the following 12 categories:

1. Places of lodging (e.g., inns, hotels, motels, except for owner-occupied establishments renting fewer than six rooms)
2. Establishments serving food or drink (e.g., restaurants and bars)
3. Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums)
4. Places of public gathering (e.g., auditoriums, convention centers, lecture halls)
5. Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers)
6. Service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals)
7. Public transportation terminals, depots, or stations (not including facilities relating to air transportation)
8. Places of public display or collection (e.g., museums, libraries, galleries)
9. Places of recreation (e.g., parks, zoos, amusement parks)

10. Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools)
11. Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies)
12. Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

What are the California laws relating to disability access?

All text of California Law can be accessed online at the California Legislative Information website. This list is not intended to be inclusive:

- ❖ Unruh Civil Rights Act – Civil Code 51-52
- ❖ Disabled Persons Act – Civil Code 54-55.32
- ❖ Access to Public Accommodations by Physically Handicapped Persons – Health and Safety Code 19955-19959.5
- ❖ Construction-Related Accessibility Standards Compliance Act – Civil Code 55.51-55.545
- ❖ Statutory Damages in Construction-Related Accessibility Claims – Civil Code 55.56
- ❖ Disclosure of CAsp Inspection and Determination in Lease Agreements – Civil Code 1938
- ❖ Requirements for Plaintiff's Complaint of Alleged Access Barrier – Code of Civil Procedure 425.50

What is the potential liability for non-compliance?

Civil Code 55.56, as enacted by SB 1608 legislation, provides for statutory damages of \$4,000 if the plaintiff is denied full and equal access to a place of public accommodation on a particular occasion or visit, not \$4,000 per each violation as previously allowed under the Unruh Act, Civil Code 52(a). According to Civil Code 55.56, a person is denied full and equal access only if the individual personally encountered the violation on a particular occasion, or the individual was deterred from accessing a place of public accommodation on a particular occasion. A violation personally encountered by an individual may be sufficient to cause a denial of full and equal access if the person experienced difficulty, discomfort, or embarrassment because of the violation.

How does someone demonstrate that he/she was denied access?

According to the Code of Civil Procedure 425.50, an individual that alleges a construction-related accessibility claim must address the following items in the claim:

- ❖ An explanation of the specific access barrier and the location of the alleged barrier.

- ❖ The way in which the barrier denied the individual full and equal use or access, or in which it deterred the individual, on each particular occasion.
- ❖ The date or dates of each particular occasion on which the person encountered the specific access barrier, or on which he/she was deterred.

Who has responsibility for ADA compliance in leased places of public accommodation, the landlord or the tenant?

The ADA places the legal obligation to remove barriers, provide auxiliary aids and services, and maintain compliance of accessible features at a place of public accommodation on both the landlord and the tenant. The landlord and the tenant may specify within the terms of the lease who is responsible for which areas of the facility, but both remain legally responsible. Additionally, California Senate Bill 1186 (SB 1186) passed in 2012 requires a commercial property owner or lessor to disclose on every lease form or rental agreement executed on or after July 1, 2013, whether the property being leased or rented has undergone inspection by a Certified Access Specialist (CASp), and, if so, whether the property has or has not been determined to meet all applicable construction-related accessibility standards.

What is an applicable construction-related accessibility standard?

“Construction-related accessibility standard” is defined as a provision under state or federal law for making new construction and existing facilities accessible to persons with disabilities. Facilities must comply with both federal and state accessibility standards, however, the current version of state and federal accessibility standards are not necessarily applicable to an existing facility. A Certified Access Specialist (CASp) will know which version of the code and standards is applicable to the compliance of a facility based on its age and history of improvements. In addition to the accessibility standards of the ADA, the applicable state standard for a facility is the version of the California Building Code (CBC) under which the facility or improvement to a facility was constructed. For existing facilities, the current 2013 California Building Code applies only to a planned addition, alteration, or improvement of the facility which occurs after January 1, 2014.

What are SB1608 and SB1186?

SB 1608 and SB 1186 are two legislative bills that were passed in California aimed to encourage accessibility compliance by business and property owners and also to curb excessive accessibility-related litigation. California Senate Bill 1608 (SB 1608-Corbett, Chapter 549, Statutes of 2008) was passed in 2008 and created the Construction-Related Accessibility Standards

Compliance Act (CRASCA, Civil Code 55.51-55.545). This law states that if a business or property owner authorizes the inspection of a facility by a CASp and receives a CASp inspection report prior to being served a lawsuit for violation of a construction-related accessibility standard, and makes accessibility improvements to come into compliance according to the schedule provided with the CASp inspection report, that individual receives “qualified defendant” status in California Court. California Senate Bill 1186 (SB 1186-Steinberg, Chapter 383, Statutes of 2012) was passed in 2012 and reduced statutory damages for certain violations. Included among its many provisions is that a commercial property owner or lessor shall state on every lease form or rental agreement executed on or after July 1, 2013, whether the property being leased or rented has undergone inspection by a CASp, and, if so, whether the property has or has not been determined to meet all applicable construction-related accessibility standards. Additionally, SB 1186 requires cities and counties to collect an additional \$1 fee for issuance or renewal of a business license to establish programs on disability access education for the business community.

Why is it beneficial to hire a CASp?

A CASp has passed an examination and has been certified by the State of California to have specialized knowledge of the applicability of state and federal construction-related accessibility standards. A CASp will know which standards apply to a property based on the age of the facility and its history of improvements. While a licensed design professional, such as an architect or engineer, can provide an access compliance evaluation of a facility, only a CASp can provide services that offer “qualified defendant” status in a construction-related accessibility lawsuit. The services of a CASp can be retained at any time, however, “qualified defendant” status is only provided if an existing facility received an inspection and report from a CASp, and abided to a schedule of improvements toward compliance before a construction-related accessibility claim was filed.

Is there any legal requirement to hire a CASp?

There is no law that requires a property owner or tenant to hire a CASp. If a business or property owner elects not to hire a CASp, it shall not be admissible to prove a lack of intent to comply with the ADA or California law. If a CASp solicits business with threat of legal action of a construction-related accessibility claim if a business does not contract for services, the business should immediately file a complaint with the Division of the State Architect CASp Certification Unit.

How can a CASp be found?

The Division of the State Architect provides a list of Certified Access Specialists on its website. When

inquiring about the compliance of an existing facility, an independent CASp will be able to determine compliance to both state and federal standards. An independent CASp can be found on the list by looking for the CASp in the geographic region that states he/she performs inspections. A CASp can also be located by contacting the local city or county building department, however, a CASp employed or retained by a local building department is only authorized to offer information regarding compliance to California construction-related accessibility standards, and not the ADA, and will usually only provide these services for new construction, additions, or alterations submitted for approval for permit.

What is certified when a CASp is hired?

Certification applies only to a CASp, and indicates that the individual has passed an examination and is certified by the State of California to have a specialized knowledge of state and federal laws governing rights of individuals with disabilities and the applicability of state and federal construction-related accessibility standards. A CASp can conduct an inspection of a facility for compliance to applicable construction-related accessibility standards, but does not and cannot certify that a facility is compliant, nor can a CASp certify that a manufacturer's product meets accessibility requirements.

What is a "qualified defendant?"

A defendant in a construction-related accessibility claim against a place of public accommodation becomes a "qualified defendant" if a CASp has performed an inspection of the area with the violation and has issued a CASp inspection report to the business/facility owner prior to the date the defendant was served with a lawsuit. The CASp inspection report should state a determination of either "meets applicable standards" or "inspected by a CASp". A report with a determination "inspected by a CASp" will identify violations of the applicable standards, list necessary improvements for their correction, and will be accompanied by a schedule for completion of the improvements over a reasonable time. A "qualified defendant" does not have to be the party who hired the CASp, so long as the basis of the lawsuit is a construction-related accessibility claim. In addition, the facility inspected does not need to be compliant with applicable construction-related accessibility standards in order for the owner to become a "qualified defendant". Upon being served with a lawsuit asserting a construction-related accessibility claim, a "qualified defendant" may request a court stay to postpone legal proceedings and an early evaluation conference.

In addition, SB 1186 legislation provides that a business or property owner may be entitled to reduced statutory damages in the following instances:

- ❖ The area with respect to the plaintiff's claim was determined to be "inspected by a CASp" or "meets applicable standards" prior to the occasion the plaintiff was denied access; the area has not been modified since receiving a determination of "meets applicable standards" or the area was in progress of improvements toward compliance according to the schedule indicated in the CASp Inspection Report; and that all violations giving rise to the claim have been corrected, or will be corrected within 60 days of the complaint being served. Statutory damages reduced from \$4,000 to \$1,000 per occasion the plaintiff was denied access.
- ❖ For a claim filed before January 1, 2018, that the site's new construction or improvement on or after January 1, 2008, and before January 1, 2016, was approved pursuant to the local building permit and inspection process; that, to the best of the business/facility owner's knowledge, there have been no modifications or alterations completed or commenced since the building department approval that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim; and that all violations giving rise to the claim have been corrected, or will be corrected within 60 days of the complaint being served. Statutory damages reduced from \$4,000 to \$1,000 per occasion the plaintiff was denied access.
- ❖ The site's new construction or improvement passed inspection by a local building department inspector who is a CASp; that, to the best of the business or property owner's knowledge, there have been no modifications or alterations completed or commenced since that inspection approval that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim; and that all violations giving rise to the claim have been corrected, or will be corrected within 60 days of the complaint being served. Statutory damages reduced from \$4,000 to \$1,000 per occasion the plaintiff was denied access.
- ❖ A small business that employs 25 or fewer employees and has gross receipts of less than \$3,500,000, and the business/facility owner declares that all violations have been corrected, or will be corrected within 30 days of being served with the complaint. Statutory damages reduced from \$4,000 to \$2,000 per occasion the plaintiff was denied access.

What will be in a CASp inspection report?

A CASp inspection report prepared according to the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51-55.545) must have specific required content in order to offer a "qualified defendant" status. The report should state that the site either "meets applicable standards" or "inspected by a CASp."

For a site that “meets applicable standards” the CASp shall provide the following items:

- ❖ An identification and description of the inspected structures and areas of the site.
- ❖ A signed and dated statement that, in the opinion of the CASp, the inspected structures and areas of the site meet construction-related accessibility standards. The statement shall clearly indicate whether the determination of the CASp includes an assessment of “readily achievable barrier removal.”
- ❖ If a determination of “meets applicable standards” was issued in a report after corrections were made as a result of a CASp inspection, then the report shall contain a signed and dated statement by the CASp that indicates such and includes an itemized list of all corrections and dates of completion.

For a site that is “inspected by a CASp” the CASp shall provide the following items:

- ❖ An identification and description of the inspected structures and areas of the site.
- ❖ A signed and dated statement that, in the opinion of the CASp, the inspected structures and areas of the site need correction to meet construction-related accessibility standards. The statement shall clearly indicate whether the determination of the CASp includes an assessment of “readily achievable barrier removal.”
- ❖ An identification and description of the structures or areas of the site that need correction and the correction needed.
- ❖ A schedule of completion for each of the corrections within a reasonable timeframe.

Along with a CASp inspection report there should be a Disability Access Inspection Certificate and a notice about the safekeeping of CASp inspection reports. The CASp may request that a schedule for improvements be provided by the business and submitted to the CASp for inclusion in the inspection report, depending on the nature and extent of improvements.

What is “readily achievable barrier removal”?

“Readily achievable barrier removal,” applicable under ADA to facilities that were constructed before January 26, 1992, is defined as “easily accomplishable and able to be carried out without much difficulty or expense.” An assessment of whether or not removal of barriers at a specific site is readily achievable is a detailed process that must consider the following items:

1. The nature and cost of the action;
2. The overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation,

including crime prevention measures; or any other impact of the action on the operation of the site;

3. The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
4. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
5. If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

If the public accommodation is a facility that is owned or operated by a parent entity that conducts operations at many different sites, one must consider the resources of both the local facility and the parent entity to determine if removal of a particular barrier is “readily achievable.” The administrative and fiscal relationship between the local facility and the parent entity must also be considered in evaluating what resources are available for any particular act of barrier removal.

Many CASPs may not be qualified to make such an assessment. A CASp may provide information on how a determination of “readily achievable barrier removal” is made in order to determine if an accessibility improvement is readily achievable. If it is determined that an accessibility improvement is not readily achievable, any documentation that substantiates this determination should be retained.

What barriers will be “readily achievable” to remove?

There is no definitive answer to this question because determinations as to which barriers can be removed without much difficulty or expense must be made on a case-by-case basis.

ADA Title III Regulation 28 CFR Part 36, Section 36.304, contains a list of 21 examples of modifications that may be readily achievable:

1. Installing ramps;
2. Making curb cuts in sidewalks and entrances;
3. Repositioning shelves;
4. Rearranging tables, chairs, vending machines, display racks, and other furniture;
5. Repositioning telephones;
6. Adding raised markings on elevator control buttons;
7. Installing flashing alarm lights;
8. Widening doors;
9. Installing offset hinges to widen doorways;

10. Eliminating a turnstile or providing an alternative accessible path;
11. Installing accessible door hardware;
12. Installing grab bars in toilet stalls;
13. Rearranging toilet partitions to increase maneuvering space;
14. Insulating lavatory pipes under sinks to prevent burns;
15. Installing a raised toilet seat;
16. Installing a full-length bathroom mirror;
17. Repositioning the paper towel dispenser in a bathroom;
18. Creating designated accessible parking spaces;
19. Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
20. Removing high pile, low density carpeting; or
21. Installing vehicle hand controls.

Are public accommodations required to retrofit existing buildings by adding elevators?

A public accommodation generally would not be required to remove a barrier to physical access posed by a flight of steps, if removal would require extensive ramping or an elevator. The readily achievable standard does not require barrier removal that requires extensive restructuring or burdensome expense. Thus, where it is not readily achievable to do, the ADA would not require a public accommodation to provide access to an area reachable only by a flight of stairs.

Can a portable ramp be used?

Yes, but only if the installation of a permanent ramp is not readily achievable. In order to promote safety, a portable ramp should have railings, a firm, stable, nonslip surface and the slope should not exceed one to twelve (one unit of rise for every twelve units horizontal distance). It should also be properly secured and staff should be trained in its safe use.

Does the ADA require barrier removal in historic buildings?

Yes, if it is readily achievable. However, the ADA takes into account the national interest in preserving significant historic structures. Barrier removal would not be considered "readily achievable" if it would threaten or destroy the historic significance of a building or facility that is eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. ■470, et seq.), or is designated as historic under State or local law.

What is the difference between barrier removal and alterations? Aren't they both very similar?

Not really. Under the ADA, barrier removal is done by a place of public accommodation to remove specific barriers that limit or prevent people with disabilities from obtaining access to the goods and services offered to the public. This is an ongoing obligation for the business that has limits determined by resources, size of the company and other factors. An alteration is replacement, renovation or addition to an element or space of a facility. Generally alterations are done to improve the function of the business, to accommodate a change or growth in services, or as part of a general renovation. The requirements for alterations are greater than those for barrier removal because the alteration is part of a larger construction or replacement effort.

What are the priorities for accessibility?

The **first priority** is enabling individuals with disabilities to enter the facility. This priority on "getting through the door" recognizes that providing physical access to a facility from public sidewalks, public transportation, or parking is generally preferable to any alternative arrangements in terms of both business efficiency and the dignity of individuals with disabilities.

The **second priority** is providing access to those areas where goods and services are made available to the public. For example, in a hardware store these areas would include the front desk and the retail display areas of the store.

The **third priority** is providing access to restrooms (if restrooms are provided for use by customers or clients).

The **fourth priority** is removing any remaining barriers, for example, lowering drinking fountains.

COMMON ACCESSIBILITY ERRORS AND OMISSIONS IN NEW CONSTRUCTION AND ALTERATIONS

INTRODUCTION

This ADA document, originally produced in 1997, has been modified to cite the appropriate 2013 California Building Code Chapter 11B sections. The ADA code references have been deleted for clarity. The 2013 California Building Code integrated the most accessible provisions of the 2010 ADA standards and the 2010 California Building Code into a single comprehensive code. It should be noted, however, that there remain some differences between the 2010 ADA Standards and the California Building Code, so businesses in California should take care to comply with both, or if the standards conflict, with the stricter – meaning that which provides greater access.

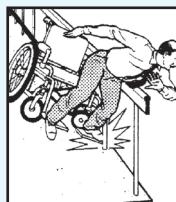
The ADA requires that new construction and alterations to existing facilities comply with the ADA Standards for Accessible Design (Standards). ADA requirements for new construction and alterations include detailed provisions for elements, spaces, and facilities. Successful accessibility is often measured in inches, so attention to detail can make the difference between achieving access and excluding or injuring someone. When the ADA's minimum requirements are not met, the results can limit or exclude a person with a disability and can be dangerous. For example, when a curb ramp extends into an access aisle at an accessible parking space a person using a wheelchair may not be able to get out of the car or van. When the slope of a sidewalk that is an accessible route becomes steeper than 1 to 20, railings and edge protection are required for safe use. The 2013 California Building Code requires the running slope of walking surfaces to be not steeper than 1:20 (5%), with the cross slope of walking surfaces not steeper than 1:48 (2.083%). **§11B-403.3**. When the accessible route becomes steeper than 1 to 20, it becomes a ramp and is subject to the requirements of **§11B-405 Ramps**. Objects that project into circulation spaces from the side or that do not provide at least 80 inches of head clearance can be extremely hazardous to people who are blind or who have low vision. The 2013 California Building Code provides detailed parameters in **§11B-307.2** through **§11B-307.5**.

This document lists a sampling of common accessibility errors or omissions that have been identified through the Department of Justice's ongoing enforcement efforts. The specific requirement of the Standards that has not been met follows each error/omission. All references to figures can be found in the Standards. The list of errors/omissions provides examples of common deficiencies. It is not intended to be comprehensive or exhaustive. Any failure to comply with the Standards violates the ADA.

For additional information about the design and construction requirements of the Americans with Disabilities Act (ADA), contact the Department of Justice ADA Information Line. This free service provides answers to general and technical questions about ADA requirements and is a source for free ADA materials including the ADA Standards for Accessible Design. You may reach the ADA Information Line at:

800-514-0301 (voice) or 800-514-0383 (TTY).

ADA information is also available on the Department's ADA Home Page on the World Wide Web at (<http://www.usdoj.gov/crt/ada/adahom1.htm>).



PARKING

Error/Omission:

The built-up curb ramp projects into the access aisle.

The accessible parking space and access aisle is not level in all directions.

Result:

When an access aisle has a sloped surface, a wheelchair may roll away from a car or van preventing the wheelchair user from getting out of the vehicle. The sloped surface also prevents a van-mounted wheelchair lift from being fully-lowered to the access aisle surface.

Requirement:

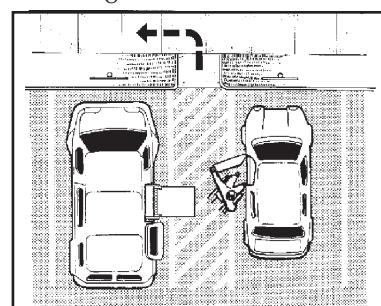
The 2013 California Building Code requires that parking spaces and access aisles serving them shall comply with Section 11B-302 Floor or Ground Surfaces. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted. **§11B-502.4**

Error/Omission:

There is no accessible route from accessible parking to an accessible entrance.

Result:

A person using a wheelchair, scooter, or walker has no way of getting from the accessible parking space to the building entrance. Often when there is an inaccessible walkway provided for others, wheelchair users must use a roadway or vehicular route which can be dangerous.



Requirement:

The 2013 California Building Code requires that car and van stall access aisles shall be 5 foot wide minimum and shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle. **§11B-502.3.** Access aisles shall extend the full required length of the parking spaces they serve. **§11B-502.3.2.** Parking spaces and access aisles shall be designed so that persons using them are not required to travel behind parking spaces other than to pass behind the parking space in which they parked. **§11B-502.7.1.** Access aisles shall not overlap the vehicular way. Access aisles shall be permitted to be placed on either side of the parking space except for van parking spaces which shall have access aisles located on the passenger side of the parking spaces. **§11B-502.3.4.**

Error/Omission:

No van accessible spaces are provided in the parking area.

Result:

A person who uses a van equipped with a wheelchair lift has inadequate space to lower the wheelchair lift and get out of the vehicle.

Requirement:

As per the 2013 California Building Code, one in every six or fraction of six parking spaces required by Section 11B-208.2 Minimum Number, but not less than one, shall be served by an access aisle 96 inches wide minimum placed on the side opposite the driver's side when the vehicle is going forward into the parking space and shall be designated "van accessible". All such spaces may be grouped on one level of a parking structure. **§11B-208.2.4, 11B-502.**

accessible. **§11B-206.2.1.** An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing pedestrian access.

CURB RAMPS

Error/Omission:

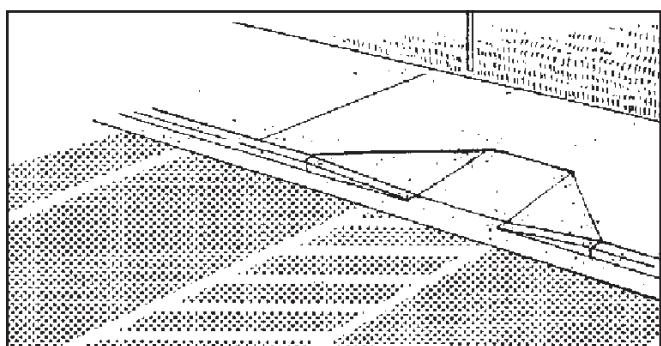
Curb ramp that is located across a circulation path has steep unprotected side flares.

Result:

People walking across the curb ramp may trip and be injured. People who use wheelchairs can tip over if they accidentally roll over the non-flared sides.

Requirement:

As per the 2013 California Building Code, for perpendicular ramps, where provided, curb ramp flares shall not be steeper than 1:10. **§11B-406.2.** Curb ramps and the flared sides of curb ramps shall be located so that they do not project into vehicular traffic lanes, parking spaces, or parking access aisles. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides. **§11B-406.5.1.** Diagonal or corner type curb ramps with returned curbs or other well-defined edges shall have the edges parallel to the direction of pedestrian flow. Diagonal curb ramps with flared sides shall have a segment of curb 24 inches long minimum located on each side of the curb ramp and within the marked crossing. **§11B-406.5.10.**



RAMPS

Error/Omission:

Landing areas where ramps change direction (e.g., switchbacks or 90° turns) are too small.

Result:

Wheelchair users are unable to go up or down the ramp because there is not enough space to turn on a level surface. This makes the ramp unusable.

Requirement:

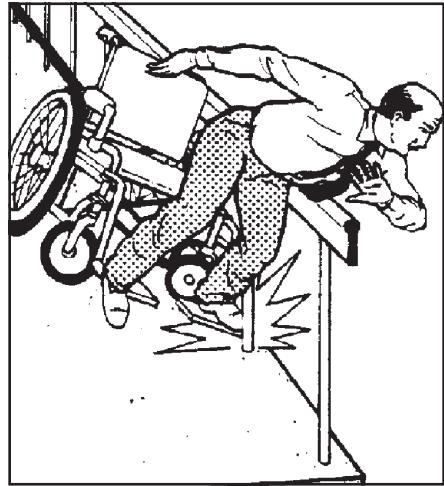
The 2013 California Building Code states that ramps that change direction between runs at landings shall have a clear landing 60 inches minimum by 72 inches minimum in the direction of downward travel from the upper ramp run. **§11B-405.7.4.**

Error/Omission:

Parts of an accessible route with slopes that exceed 1:20 lack required features including handrails and edge protection.

Result:

When a walkway or other pedestrian surface has a slope greater than 1:20, it is more difficult to maintain control of a wheelchair. Wheelchair users may also not be able to climb up the sloped route without railings. Lack of edge protection may result in injury if a wheelchair user rolls off the side of the route. People who use a mobility device such as crutches, a cane, or a walker may lose their balance or fall while using a sloped section that does not have handrails or edge protection.



Requirement:

As per the 2013 California Building Code, the running slope of a walking surfaces on an accessible route to be not steeper than 1:20 (5%), with the cross slope of walking surfaces not steeper than 1:48 (2.083%). **§11B-403.3.** When the accessible route becomes steeper than 1 to 20, it becomes a ramp and is subject to all requirements of **§11B-405 Ramps**, including **§11B-405.8 Handrails** and **§11B-405.9 Edge protection**.

STAIRS

Error/Omission:

Handrail extensions are not provided at the top and bottom risers.

Result:

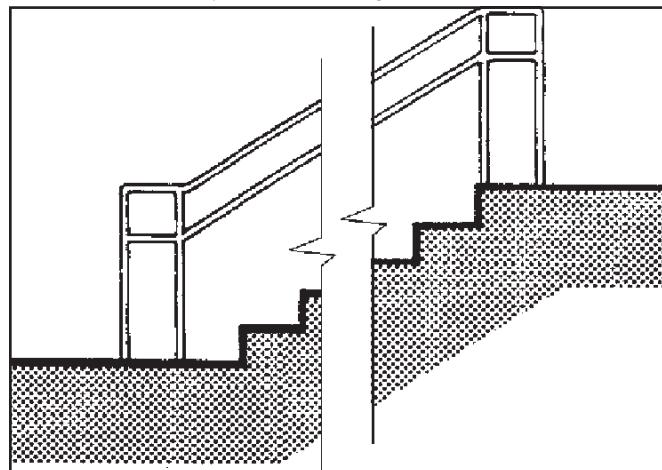
People who use crutches or a cane or who have limited balance may fall at the top or bottom of the stairs because they have no railing to hold onto as they make the transition from the steps to the landing.

Requirement:

The 2013 California Building Code states that stairs

shall have handrails complying with Section 11B-505 Handrails. **§11B-504.6.** Handrail gripping surfaces shall extend beyond and in the same direction of stair flights and ramp runs in accordance with Section 11B-505.10. At the top of a stair flight, handrails shall extend horizontally above the landing for 12 inches minimum beginning directly above the first riser nosing. Extensions shall return to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent stair flight. **§11B-505.10.2.**

At the bottom of a stair flight, handrails shall extend at the slope of the stair flight for a horizontal distance equal to one tread depth beyond the last riser nosing. Such extension shall continue with a horizontal extension or shall be continuous to the handrail of an adjacent stair flight or shall return to a wall, guard, or the walking surface. At the bottom of a stair flight, a horizontal extension of a handrail shall be 12 inches long minimum and a height equal to that of the sloping portion of the handrail as measured above the stair nosings. Extension shall return to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent stair flight. **§11B-505.10.3.**



DOORS

Error/Omission:

Adequate maneuvering clearance is not provided at doors, including doors to accessible toilet stalls.

Result:

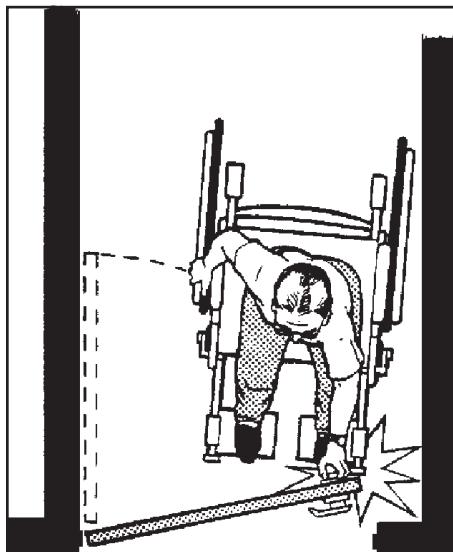
A person using a wheelchair cannot open the door without a clear level area in front of and adjacent to the door that provides a place to maneuver.

Requirement:

The 2013 California Building Code requires that minimum maneuvering clearances at doors and gates shall comply with 11B-404.2.4 Maneuvering Clearances. Maneuvering clearances shall extend the full width of the doorway and the required latch side or hinge side clearance. **§11B-404.2.4.** Maneuvering clearances for forward approach shall be provided

when any obstruction within 18 inches of the latch side an interior doorway, or within 24 inches of the latch side of an exterior doorway, projects more than 8 inches beyond the face of the door, measured perpendicular to the face of the door or gate. **§11B-404.2.4.3.** At least one of the active leaves of doorways with two leaves shall comply with 11B-404.2.3 Clear Width and 11B-404.2.4 Maneuvering Clearances.

§11B-404.2.2. Swinging doors and gates shall have maneuvering clearances complying with Table 11B-404.2.4.1. **§11B-404.2.4.1.** Floor or ground surface within required maneuvering clearances shall comply with 11B-302 Floor or Ground Surfaces. Changes in level are not permitted at door landings. **§11B-404.2.4.4.**



At single user toilet or bathing rooms, doors shall be permitted to swing into the clear floor space or clearance required for any fixture only if a 30 inch by 48 inch minimum clear floor space is provided within the room beyond the arc of the door swing.

§11B-603.2.3. In a wheelchair accessible compartment with a side-opening door, either in-swinging or out-swinging, a minimum 60 inches wide and 60 inches deep maneuvering space shall be provided in front of the water closet. **§11B-604.8.1.1.2.** In a wheel chair accessible compartment with end-opening door (facing water closet), either in-swinging or out-swinging, a minimum 60 inches wide and 48 inches deep maneuvering space shall be provided in front of the water closet. **§11B-604.8.1.1.3.**

Error/Omission:

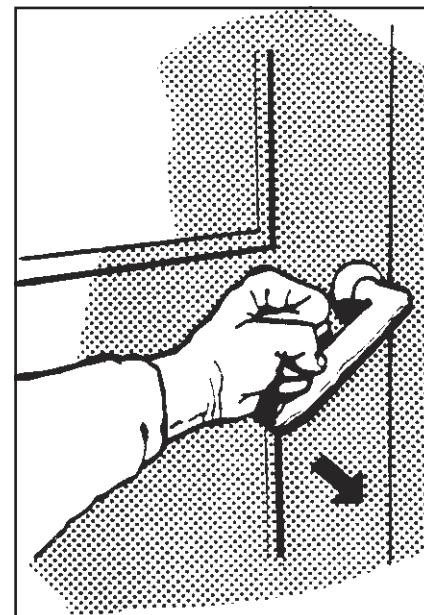
The shape of the door hardware requires tight grasping, pinching, and twisting of the wrist to use.

Result:

The door cannot be opened if the user cannot operate the latch or handle.

Requirement:

The 2013 California Building Code requires that handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 11B-309.4 Operation. Operable parts of such hardware shall be 34 inches minimum and 44 inches maximum above the finish floor or ground. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides. **§11B-404.2.7.** Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. Force required to activate operable parts shall be 5 pounds maximum. **§11B-309.4.**



CIRCULATION PATHS

Error/Omission:

Objects protrude into circulation paths from the side or from posts.

Objects that overhang circulation paths do not provide clear headroom.

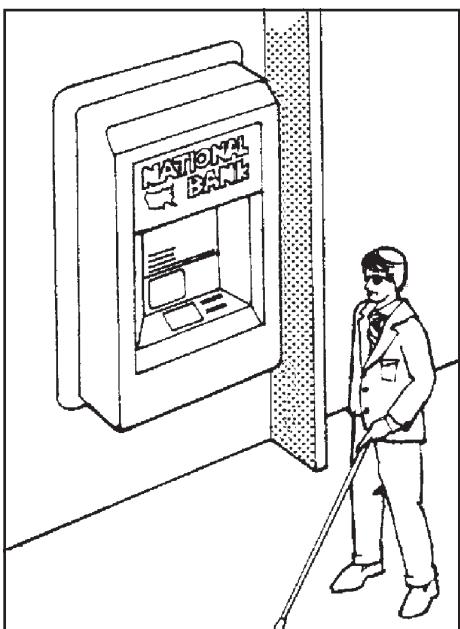
Result:

People who are blind or who have low vision can be seriously injured when they cannot detect an object by using the sweep of their cane.

Requirement:

The 2013 California Building Code requires that except for handrails, objects with leading edges more than

27 inches and less than 80 inches above the finish floor or ground shall protrude no more than 4 inches horizontally into the circulation path. Handrails may protrude 4½ inches maximum. **§11B-307.2.** Free-standing objects mounted on posts or pylons shall overhang circulation paths no more than 12 inches when located from 27 to 80 inches above the finish floor or ground. **§11B-307.3.** Protruding objects shall not reduce the clear width required for accessible routes. **§11B-307.5.** The lowest edge of a sign or other obstruction, when mounted between posts or pylons separated with a clear distance greater than 12 inches, shall be less than 27 inches or more than 80 inches above the finish floor or ground. **§11B-307.3.** The edges of signs or other objects, when mounted on posts or pylons with their bottom edges less than 80 inches above the floor or ground surface, shall be rounded or eased and the corners shall have a minimum radius of ½ inch. **§11B-307.3.1.** Vertical clearance shall be at least 80 inches high on circulation paths except at door closers and door stops, which may be 78 inches minimum above the finish floor or ground. **§11B-307.4.**



TOILET ROOMS AND BATHROOMS

Error/Omission:

Where toilet rooms or bathrooms are provided, not all public and common use toilet rooms and bathrooms (including locker rooms and toilet rooms for employee use) are accessible.

Result:

People with disabilities are restricted to a limited number of toilet rooms and may have to travel long distances to the accessible toilet room while others can use any toilet room.

Requirement:

The 2013 California Building Code requires that where

toilet facilities and bathing facilities are provided, they shall comply with 11B-213 Toilet Facilities and Bathing Facilities. Where toilet facilities and bathing facilities are provided in facilities permitted by 11B-206.2.3 Multi-Story Buildings and Facilities Exceptions 1 and 2 not to connect stories by an accessible route, toilet facilities and bathing facilities shall be provided on a story connected by an accessible route to an accessible entrance. **§11B-213.1.** Where separate toilet facilities are provided for the exclusive use of separate user groups, the toilet facilities serving each user group shall comply with 11B-213 Toilet Facilities and Bathing Facilities. **§11B-213.1.1.** Where toilet rooms are provided, each toilet room shall comply with 11B-603 Toilet and Bathing Rooms. Where bathing rooms are provided, each bathing room shall comply with 11B-603 Toilet and Bathing Rooms. **§11B-213.2.** Toilet and bathing rooms within guest rooms that are not required to provide mobility features complying with Section 11B-806.2 Guest Rooms with Mobility Features shall provide all toilet and bathing fixtures in a location that allows a person using a wheelchair measuring 30 inches by 48 inches to touch the wheelchair to any lavatory, urinal, water closet, tub, sauna, shower stall and any other similar sanitary installation, if provided. **§11B-603.6.**

Error/Omission:

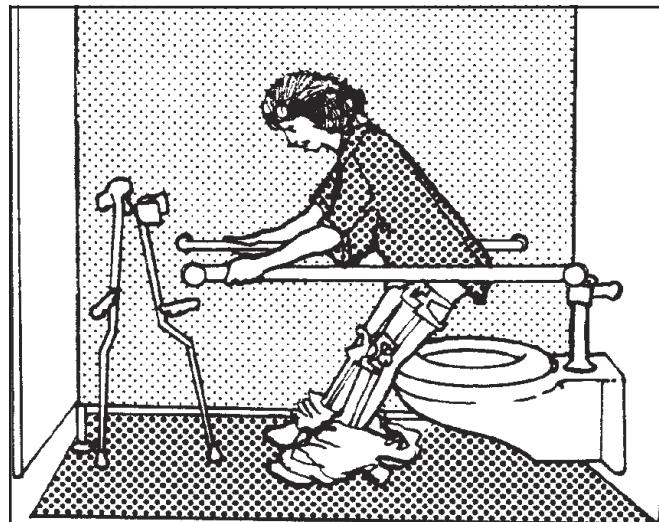
Toilet rooms with 6 or more toilet stalls lack a 36" wide "ambulatory" toilet stall.

Result:

Too few accessible stalls are provided for people with mobility disabilities. People who walk with crutches, a cane, a walker, or who have limited balance generally find it easier and safer to use a stall that has parallel grab bars.

Requirement:

The 2013 California Building Code requires that where toilet compartments are provided, at least one toilet



compartment shall comply with Section 11B-604.8.1. In addition to the compartment required to comply with Section 11B-604.8.1, at least one compartment shall comply with Section 11B-604.8.2 where six or more toilet compartments are provided, or where the combination of urinals and water closets totals six or more fixtures. **§11B-213.31.** The water closet shall be positioned with a wall or partition to the rear and to one side. The centerline of the water closet shall be 17 inches minimum to 18 inches maximum from the side wall or partition, except that the water closet shall be 17 inches minimum and 19 inches maximum from the side wall or partition in the ambulatory accessible toilet compartment specified in Section 11B-604.8.2 Ambulatory Accessible Compartments. Water closets shall be arranged for a left-hand or right-hand approach. **§11B-604.2.** Ambulatory accessible compartments shall have a depth of 35 inches minimum and 37 inches maximum. **§11B-604.8.2.1.**

Error/Omission:

The door to the toilet room swings into the required clear floor space at accessible fixtures, controls, and dispensers.

Result:

The entry door to the toilet room cannot be fully opened when a wheelchair user is using the accessible fixture, control, or dispenser. For example, if a person using a wheelchair is positioned in the clear floor space at the paper towel dispenser and that clear floor space overlaps the space needed to swing the door open, the door cannot be fully-opened.

Requirement:

The 2013 California Building Code requires that the door shall not swing into the clear floor space or clearance required for any fixture. Other than the door to the accessible water closet compartment, a door in any position, may encroach into the turning space by 12 inches maximum. **§11B-603.2.3.**

SIGNAGE

Error/Omission:

Where permanent room identification signage is provided, it is mounted in the wrong location.

Result:

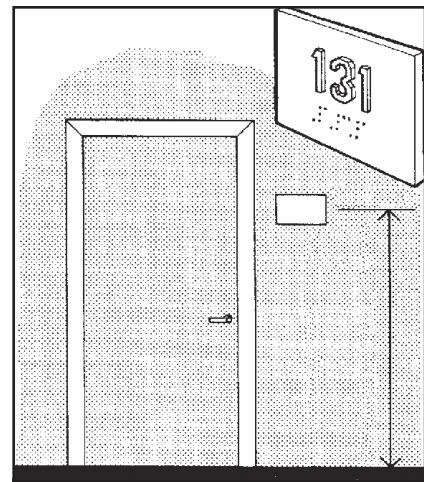
People who are blind or visually impaired are trained to look in a consistent location for tactile signs. They cannot find the sign if it is not mounted in the correct location.

Requirement:

The 2013 California Building Code requires all signs that provide direction to or information about interior and exterior spaces and facilities of the site

to comply with 11B-703.5 Visual Characters. **§11B-216.3.** Interior and exterior signs identifying permanent rooms and spaces shall comply with 11B-703.1 General, 11B-703.2 Raised Characters, 11B-703.3 Braille and 11B-703.5 Visual Characters. Where pictograms are provided as designations of permanent interior rooms and spaces, the pictograms shall comply with 11B-703.6 Pictograms and shall have text descriptors complying with 11B-703.2 and 11B-703.5. **§11B-216.2.** Signs with tactile characters shall comply with 11B-703.4 Installation Height and Location. **§11B-703.4.**

Tactile characters on signs shall be located 48 inches minimum above the finish floor or ground surface, measured from the baseline of the lowest tactile character Braille cells and 60 inches maximum above the finish floor or ground surface, measured from the baseline of the highest tactile character line of raised characters. **§11B-703.4.1.** Where a tactile sign is provided at a door, the sign shall be located alongside the door at the latch side. Where a tactile sign is provided at double doors with one active leaf, the sign shall be located on the inactive leaf. Where a tactile sign is provided at double doors with two active leafs, the sign shall be located to the right of the right hand door. Where there is no wall space at the latch side of a single door or at the right side of double doors, signs shall be located on the nearest adjacent wall. Signs containing tactile characters shall be located so that a clear floor space of 18 inches minimum by 18 inches minimum, centered on the tactile characters, is provided beyond the arc of any door swing between the closed position and 45 degree open position. Where permanent identification signage is provided for rooms and spaces they shall be located on the approach side of the door as one enters the room or space. Signs that identify exits shall be located on the approach side of the door as one exits the room or space. **§11B-703.4.2.**



VISUAL ALARMS

Error/Omission:

No visual alarms are provided although an audible alarm system is installed.

Result:

People who are deaf have no way of knowing that a building emergency has been declared while others who can hear are alerted by the audible alarm. This is especially true of toilet rooms, and study carrel areas where occupants cannot observe others leaving the facility.

Requirement:

The 2013 California Building Code requires that where fire alarm systems provide audible alarm coverage, alarms shall comply with 11B-215 Fire Alarm Systems. **§11B-215.1.** Alarms in public use areas and common use areas shall comply with 702 Chapter 9, Section 907.5.2.3.1. **§11B-215.2.** Fire alarm systems shall have permanently installed audible and visible alarms complying with NFPA 72 (1999 or 2002 edition) (incorporated by reference, see "Referenced Standards" in Chapter 1), except that the maximum allowable sound level of audible notification appliances complying with section 4-3.2.1 of NFPA 72 (1999 edition) shall have a sound level no more than 110 dB at the minimum hearing distance from the audible appliance. In addition, alarms in guest rooms required to provide communication features shall comply with sections 4-3 and 4-4 of NFPA 72 (1999 edition) or sections 7.4 and 7.5 of NFPA 72 (2002 edition). and Chapter 9, Sections 907.5.2.1 and 907.5.2.3. **§11B-702.1.**

DRINKING FOUNTAINS

Error/Omission:

All drinking fountains are mounted with the spout at 36" A.F.E.

Result:

People who have difficulty stooping or bending over are not able to get a drink from the accessible 36" high drinking fountain.

Requirement:

The 2013 California Building Code requires that no fewer than two drinking fountains shall be provided. One drinking fountain shall comply with 11B-602.1 through 11B-602.6 and one drinking fountain shall comply with 11B-602.7 Drinking Fountains for Standing Persons. **§11B-211.2. EXCEPTION:** Where a single drinking fountain complies with 11B-602.1 through 11B-602.6 and 11B-602.7, it shall be permitted to be substituted for two separate drinking fountains. Where more than the minimum number of drinking fountains specified in 11B-211.2 are provided, 50 percent of the total number of drinking fountains provided shall comply with 11B-602.1 through 11B-602.6, and 50 percent of the total number of drinking fountains provided shall comply with 11B-602.7 Drinking Fountains for Standing Persons .**§11B-211.3.**

RESTAURANTS

Error/Omission:

Food service queuing areas are too narrow and do not provide adequate clear width for turns.

Result:

People who use wheelchairs cannot get to the counter to purchase or pick up food. Sometimes they get into the queuing area and get trapped.

Requirement:

The 2013 California Building Code requires that in restaurants, cafeterias, banquet facilities, bars, and similar facilities, an accessible route shall be provided to all functional areas, including raised or sunken areas, and outdoor areas. **§11B-206.2.5.** Except at turns or passing spaces, the clear width of walking surfaces shall be 36 inches minimum. **§11B-403.5.1.** Where the accessible route makes a 180 degree turn around an element which is less than 48 inches wide, clear width shall be 42 inches minimum approaching the turn, 48 inches minimum at the turn and 42 inches minimum leaving the turn. **§11B-403.5.2.** If applicable to the configuration of the queuing area, circular turning spaces shall be a space of 60 inches diameter minimum and may include knee and toe clearance complying with 11B-306 Knee and Toe Clearance. **§11B-304.3.1.**

Error/Omission:

Condiment or utensil items are placed above the reach range or are not located on an accessible route.

Result:

Wheelchair users cannot obtain condiments and other items because the items are out of reach or there is no way to get to the items.

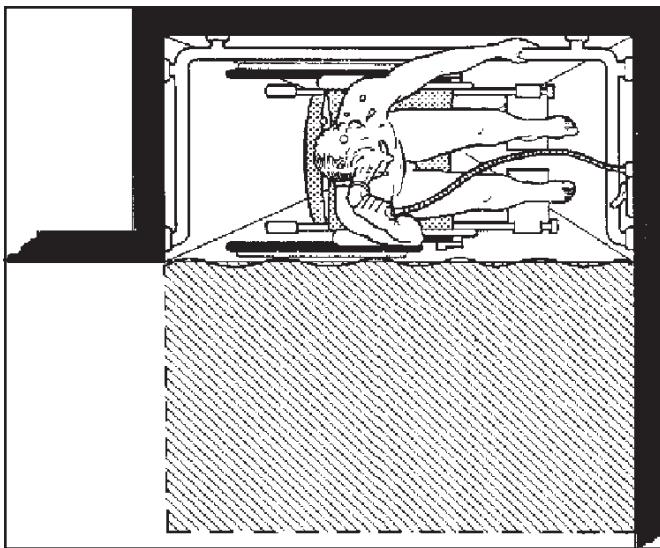
Requirement:

The 2013 California Building Code requires that for counters in food service lines, self-service shelves and dispensing devices for tableware, dishware, condiments, food and beverages shall comply with 11B-308 for Reach Ranges. **§11B-904.5.1.** The code also states that the tops of tray slides shall be 28 inches minimum and 34 inches maximum above the finish floor or ground. **§11B-904.5.2.**

TRANSIENT LODGING

Error/Omission:

In hotels, motels, or other lodging facilities of 50 or more sleeping rooms, no rooms with roll-in showers are provided, or the roll-in showers that are provided lack a fold-down seat.



Result:

People who must use a roll-in shower or a shower with a fold-down seat cannot bathe. When a roll-in shower is provided without a folding seat, guests may resort to using guest room furniture in the shower.

Requirement:

The 2013 California Building Code requires that for intransient lodging facilities, guest rooms with mobility features complying with Section 11B-806.2 shall be provided in accordance with Table 11B-224.2 (which indicates how many guest rooms with roll-in showers should be provided per number of total guest rooms). **§11B-224.2.** Facilities with more than fifty guest rooms shall be treated separately for the purposes of determining the required number of accessible rooms and type of accessible bathing facility. **§11B-224.2.2.** At least one bathroom that is provided as part of a guest room shall comply with Section 11B-603. No fewer than one water closet, one lavatory, and one bathtub or shower shall comply with applicable requirements of Sections 11B-603 through 11B-610. In addition, required roll-in shower compartments shall comply with Section 11B-608.2.2 or 11B-608.2.3. **§11B-806.2.4.**

Error/Omission:

Wheelchair-accessible rooms are not equipped with visual alarms and notification devices.

Result:

People who are deaf or hard of hearing and who also need to use a guest room with accessible features have no accommodation.

Requirement:

The 2013 California Building Code requires that guest rooms required to comply with 11B-224.4 Guest Rooms with Communication Features shall provide alarms complying with 702 Chapter 9, Section 907.5.2.3.3 (which provides for the minimum number of sleeping

accommodations with visible alarms to be provided per total number of sleep units). **§11B-215.4.**

Error/Omission:

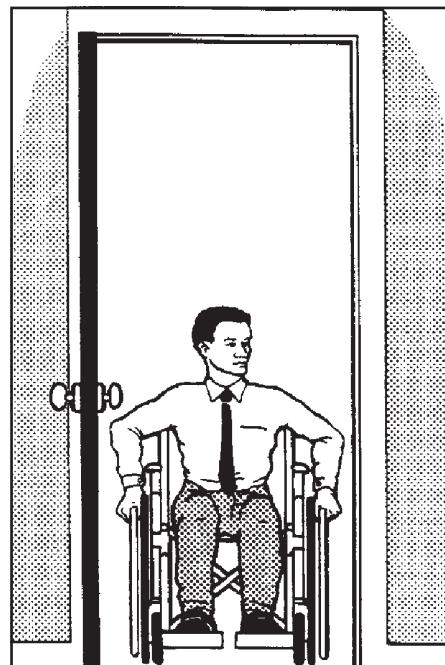
Doors into and within guest rooms that are not accessible guest rooms do not provide at least 32" clear opening width.

Result:

People who use a wheelchair, scooter, or walker are unable to enter standard guest rooms and are excluded from accommodations when accessible guestrooms are occupied.

Requirement:

The 2013 California Building Code requires that entrances, doors, and doorways providing user passage into and within guest rooms that are not required to provide mobility features complying with 11B-806.2 Guest Rooms with Mobility Features shall comply with 11B-404.2.3 Clear Width. Bathrooms doors shall be either sliding or hung to swing in the direction of egress from the bathroom. **§11B-224.1.2.** Door openings shall provide a clear width of 32 inches minimum. Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees. Openings more than 24 inches deep shall provide a clear opening of 36 inches minimum. There shall be no projections into the required clear opening width lower than 34 inches above the finish floor or ground. Projections into the clear opening width between 34 inches and 80 inches above the finish floor or ground shall not exceed 4 inches. **§11B-404.2.3.**



CCDA ACCESSIBILITY CONSTRUCTION INSPECTION CHECKLIST



The California Commission on Disability Access (CCDA) is pleased to provide this Accessibility Construction Inspection Checklist (Accessibility Checklist) for use by trained building code officials/building inspectors as a reference guide to assist with on-site inspection of accessibility features and construction elements affecting accessibility compliance. The CCDA is authorized by California Government Code Sections 8299- 8299.11 to provide educational material and information to assist trained building code officials/building inspectors with disability access requirements and to facilitate compliance with disability access laws. This Accessibility Checklist is based on the 2013 California Building Code (CBC), Part 2, Title 24, California Code of Regulations and should be used in conjunction with the regulations found in Chapter 11B of the CBC.

The purpose of this Accessibility Checklist is to provide trained building code officials/building inspectors with a reference list of the most common accessibility features to be inspected and/or verified during the construction phases of commercial projects. It is important during the progress inspections that the trained building code official/building inspector verify all elements will be able to meet the minimum accessibility requirements of the California Building Code at the time of final inspection. The Accessibility Checklist is intended to be utilized by trained building code officials/building inspectors as a reference guide only. It is not intended to be a complete list for full access compliance under applicable laws or regulations nor is it intended to identify any specific measurements or detailed requirements that may be required for full compliance with applicable disability access laws and regulations. Although the Accessibility Checklist has been produced and processed from sources believed to be reliable, no warranty expressed or implied is made regarding accuracy, adequacy, completeness, legality, reliability or usefulness of any information that is contained in the Accessibility Checklist.

The trained building code official/building inspector must assess the elevations and slopes of the existing streets and sidewalks, location of existing buildings, existing drainage and other physical conditions of the property relative to the accessibility improvements on the proposed plans. During construction inspection finish product thicknesses such as flooring materials or wall coverings must be considered when reviewing critical accessibility features, including but not limited to, widths of halls, corridors, door strike side, plumbing locations, built-in cabinets, and shower compartments.

ROUGH GRADE SITE INSPECTION	
Locate and verify the plan specified accessible routes from existing public sidewalks, accessible parking locations, and other site arrival points to building entrances and exits.	11B-206.1
Identify the plan specified accessible routes from all entrances and exits to common and public use areas on the site.	11B-206.2.2
If site conditions have swamp type lands, steep grades, drainage ditches, flood hazards or other inconsistencies with the approved plans, proper methods of compliance shall be reviewed and approved by the building official/plan checker prior to continuing.	*CBC Section 107.4
Verify that drainage, drainage swales, catch basins and grates do not violate slope or surface requirements along accessible routes, accessible parking and access aisles, etc.	11B-403
Verify if under-slab plumbing will provide adequate clearances from finished walls.	*11B-604.2
Site Lighting shall be capable of providing a minimum of one foot candle to the surface.	CBC Section 1006
ROUGH FORM AND FOUNDATION INSPECTION	
Verify building form elevations are set relative to site features (accessible routes, accessible parking, common and public use areas, and other site arrival points) to ensure correct accessible slopes (5% running slope and 2.08% cross slope).	11B-403
Verify forms for sidewalks, ramps, landings, curb ramps and clear floor spaces are correctly installed so proper slopes, cross slopes, widths and clearances will be maintained at final inspection.	11B, Division 4 Accessible Routes.

Verify no abrupt changes in level will exceed " in the path of travel or 4" drop offs along edges.	11B-303.5
Verify forms include guardrail and handrail sleeves if required.	11B-505
Verify planned site lighting sleeves are provided.	CBC Section 1006

ROUGHS/FOUR WAY INSPECTION CHECKLIST

VERIFY FRAMING – remember finish material thicknesses!

Slope, width and headroom of all interior accessible routes.	11B-402
Door opening widths.	11B-404
Maneuvering clearances/landings at doors.	11B-404
Distance between doors in series.	11B-404.2.6
Grab bar backing in toilet/shower rooms.	11B-604.5, 11B-607.4, 11B-608.3
Backing for grab bars in bathtub/shower rooms.	11B-610
Width and depth of shower stalls.	11B-608.2
Drinking fountain alcoves/wing walls.	11B-602.9
Tread dimensions on stairs including nosings. Verify finish materials for variances	11B-504
Backing for handrails at ramps/stairs.	11B-505
Elevator shaft dimensions. Check plans for Fire Assembly thickness	11B-407.4
Location of controls for operable windows to meet reach range and operation	11B-229
Restroom dimensions.	11B-604.8

VERIFY ELECTRICAL – remember finish material thicknesses!

Heights of all 30 amp or less outlet boxes. Measure to top or bottom of boxes	11B-308.1.1
Heights of all electrical switch boxes. Measure to top or bottom of boxes	11B-308.1.2
Alarm/detector systems.	11B-702
Height of HVAC controls.	11B-308
Location of elevator control/call/notification boxes.	11B-407
Installation of emergency egress lighting if required. High and Low.	11B-1011

VERIFY ROUGH PLUMBING – remember finish material thicknesses!

Location of toilet flanges from walls.	11B-604.2
Location of lavatory traps from side walls.	11B-606.6
Location of bathtub controls and drain.	11B-607.5
Installation height and location of shower controls.	11B-608.5
Location of shower drains and floor slope.	11B-608.5
Shower threshold.	11B-608.7
Kitchen or Common use sink plumbing.	11B-608.5 11B-804
Plumbing for Drinking Fountains. Both high and low	11B-602

(OPTIONAL INSPECTION) Pre-Concrete/Asphalt) Exterior Site sidewalk forms and grading per page 1**FINAL INSPECTION CHECKLIST****EXTERIOR ROUTES**

Floor and ground surfaces stable, firm and slip resistant.	11B-302.1
Openings in floor or ground surfaces 1/2 inch maximum with long dimension perpendicular to direction of travel.	11B-302.3
Vertical change in level 1/4 inch high maximum.	11B-303.2
Changes in level greater than 1/2 inch ramped.	11B-303.4
Abrupt changes in level exceeding 4 inches, vertical dimension shall be identified by warning curb.	11B-303.5
Running and cross slopes at walking surfaces. Walks, sidewalks and ramps.	11B-403.3 11B-405
Vertical clearances/protrusions along circulation paths.	11B-307
Site arrival points. An accessible route from parking, passenger loading zones, public streets and sidewalks to building entrance or facility.	11B-206.2.1
Within a site. One accessible route connecting accessible buildings, accessible facilities, accessible elements, and accessible spaces.	11B-206.2.2
Location of accessible routes coincides with general circulation paths.	11B-206.2.1 Exception 3
Clear width of walking surface.	11B-403.5.1
Contrasting stripe on upper approach and all treads.	11B-504.4.1
No open risers on stairways.	11B-504.3
Handrails on ramps and stairways.	11B-505
Curb ramps, blended transitions and islands.	11B-406
Raised islands in crossings shall be cut through level with the street or have curb ramps at both sides.	11B-406.6
Installation and color of required detectable warnings.	11B-705
Passing spaces along accessible routes with a clear width less than 60 inches.	11B-403.5.3
Walks with continuous gradients have resting areas.	11B-403.7

INTERIOR ROUTES

Floor and ground surfaces stable, firm and slip resistant.	11B-302.1
Carpet pile height 1/2 inch maximum. Exposed edges securely fastened with trim on exposed edge.	11B-302.2
Vertical clearances/protrusions along circulation paths.	11B-307
Running and cross slopes at walking surfaces and ramps.	11B-403.3 11B-405
Handrails on ramps and stairways.	11B-505
Vertical change in level 1/4 inch high maximum.	11B-303.2
Changes in level greater than 1/2 inch ramped.	11B-303.4
Contrasting stripe at upper approach and lower tread.	11B-504.4.1
Accessible route to all functional areas of restaurants and dining facilities.	11B-206.2.5
Accessible route to performance area from an assembly area.	11B-206.2.6

Common use circulation paths within employee work areas.	11B-206.2.8
Accessible route to both sides of court sports.	11B-206.2.12
Clear width of walking surfaces.	11B-403.5.1
Width of accessible route at 180 degree turns.	11B-403.5.2
PARKING	
Location and number of van parking and standard parking spaces.	11B-208
Dimensions of accessible parking spaces and access aisles.	11B-502.2 11B-502.3
Marking at access aisles.	11B-502.3.3
Slope of accessible parking spaces and access aisles.	11B-502.4
Identification at accessible spaces and/or lot entrances.	11B-502.6 11B-502.8
Vertical clearance at parking spaces, access aisles and vehicular routes.	11B-502.5
Location, number and dimensions of passenger drop-off zones.	11B-503
Vertical clearance at vehicle pull-up spaces, access aisle, vehicular route.	11B-503.5
Passenger loading zone, accessible parking spaces and access aisles in valet lots.	11B-209.4
REACH RANGES AND OPERABLE PARTS	
Forward and side reach	11B-308.2/3
Over projections	11B-308.2.2/3.2
Clear floor space at controls	11B-309.2
5lbs operating force	11B-309.4
Reach ranges	11B-309.3
No tight grasping, pinching, twisting of wrist	11B-309.4
Top and bottom of switches and outlets AFF	11B-308.1.1&2
DOORS	
32" clear width	11B-404.2.3
Maneuvering clearances	11B-404.2.4.1
Level landings each side of doors	11B-404.2.4.4
Thresholds	11B-404.2.5
Doors in series	11B-404.2.6
Hardware	11B-404.2.7
Closing speed	11B-404.2.8.1
5lbs opening force	11B-404.2.9
10" smooth surface on push side of door	11B-404.2.10
Signs – Tactile/Braille	11B-703
VERTICAL ACCESS	
Elevators: Controls; visual and audio signals	11B-407.2
Elevators: Symbols	11B-407.4.7.1
Elevators: Support rail	11B-407.4.10

Platform Lifts	11B-410
Destination-oriented Elevators (July 2015)	11B-411
Stairs	11B-504
PLUMBING/RESTROOMS	
Turning space within the room	11B-603
Door swing not in clear floor space of any fixture (except single-user)	11B-603
Mirrors and accessories	11B-603
Clear floor space requirements at fixtures	11B-604
Compartment configuration side and end entry, toe clearances	11B-604
Side and rear wall grab bars	11B-609
Ambulatory compartments	11B-604.8.2
Urinals	11B-605
Accessible lavatories, heights, knee clearances	11B-606
Restroom symbols on door	11B-703.7.2.6
Shower compartments	11B-608
Bathtubs	11B-607
Drinking fountains	11B-211, 11B-602
BUILT-IN ELEMENTS	
Dining/work surfaces	11B-226, 11B-902.2
Benches	11B-903.2
Check out aisles	11B-904.3.2
Sales/service counters	11B-227, 11B-904.4.1
Food service lines	11B-904.5.1
Accessible sinks	11B-212, 11B-606
MISCELLANEOUS ELEMENTS	
Fire alarm systems: visible alarms	11B-215, 11B-702
Assistive Listening Systems	11B-219, 11B-706
ATMs, POS Machines, Fare Machines	11B-220, 11B-707
Windows	11B-229
Exercise Machines and Equipment	11B-236
Dressing, Fitting, and Locker Rooms	11B-222
Assembly areas: companion seats; wheelchair seats; semi-ambulant seats	11B-221, 11B-802
Storage	11B-225, 11B-811
Signs	11B-216, 11B-703
Variable Message Systems (July 2015)	11B-703.8
Exit Signs	CBC Section 1007.6
Areas of Rescue	CBC Chapter 10
Telephones and TTYS	11B-217, 11B-704

Vending Machines, Mail Boxes, Change Machines	11B-228
Play Areas	11B-240, 11B-1008
Swimming Pools, Wading Pools, and Spas	11B-242, 11B-1009
Sauna and Steam Rooms	11B-241, 11B-612

Please note: this is not an exhaustive list of the elements and spaces required to be accessible per the 2013 California Building Code. Items to be inspected for compliance if provided, include but are not limited to: outdoor developed areas, bus shelters, amusement rides, recreational boating facilities, fishing piers and platforms, golf and miniature golf facilities, and shooting facilities with firing positions.

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1.0 INTRODUCTION

HISTORY

In 2008, the California State Legislature concluded that in many instances persons with disabilities continued to be denied full and equal access to public facilities even though that right was provided under state and federal law. The Legislature further concluded that businesses in California have the responsibility to provide full and equal access to public facilities as required in laws and regulations, but that compliance may be impeded, in some instances, by conflicting state and federal regulations resulting in unnecessary litigation.

The Legislature passed Senate Bill 1608 (Corbett) establishing the California Commission on Disability Access (CCDA) under Government Code Sections 8299 – 8299.11 with a vision of developing recommendations that will enable persons with disabilities to exercise their right to full and equal access to public facilities and that will facilitate business compliance with the applicable laws, building standards and regulations to avoid unnecessary litigation, as well as addressing many other reforms related to access compliance.

MISSION

The mission of CCDA is to promote disability access in California through dialogue and collaboration with stakeholders including but not limited to the disability and business communities and all levels of government.

In order to achieve this mission CCDA is authorized to act as an information resource; to research and prepare advisory reports of findings to the Legislature on issues related to disability access, compliance inspections and continuing education; to increase coordination between stakeholders; to make recommendations to promote compliance with federal and state laws and regulations; and to provide uniform information about programmatic and architectural disability access requirements to the stakeholders.

VISION

In its Five-Year Strategic Plan (December 2014), CCDA, together with key partners, adopted a vision statement to reflect the ideal future state when the agency's mission is accomplished.

*An accessible, barrier-free California =
Inclusive and equal opportunities and participation for all Californians.*

PURPOSE OF REPORT

ONGOING EFFORTS OF CCDA - GOVERNMENT CODE SECTIONS 8299.07 (A)

This report outlines the ongoing efforts of the CCDA to implement Government Code Sections 8299.05 and 8299.06. In general these sections cover provision of information to businesses on compliance with disability access requirements; recommending programs to enable persons with disabilities to obtain full and equal access to public facilities; providing information to the Legislature on access issues and compliance; and the development and dissemination of educational materials and information to promote and facilitate disability access compliance.

TABULATED DATA - GOVERNMENT CODE SECTION 8299.08 (D)

This report provides tabulated data including the various types of construction-related physical access violations alleged in demand letters and complaints; the number of claims alleged for each type of violation; a list, by type, of the 10 most frequent types of accessibility violations alleged; the numbers of alleged violations for each listed type of violation; and the number of complaints filed in state or federal court.

2.0 ACCOMPLISHMENTS AND PATH FORWARD

In 2014, CCDA built on the progress experienced in 2013. The Commission now operates with a nearly full roster and has successfully completed a much needed strategic plan. A new staff position has been added. Data collection of filed claims continues to reveal valuable information to support focused education and outreach.

2014 ACCOMPLISHMENTS

COMMISSION ADMINISTRATION

MEMBERSHIP AND STAFF

In January 2013, the Commission was without an Executive Director and 5 members. The Office of the Governor and the Legislature focused on achieving a fully functioning Commission. The Commission is now nearly complete, with two vacancies, allowing the Commission for the first time in two years an opportunity for greater effectiveness. The Commission will be working with the Legislature to appoint the ex officio legislative member positions. The Commission is grateful to both the Governor and the Legislature for the appointment of a diverse, qualified group of appointees. This has greatly contributed to a renewed energy and expanded the importance of the Commission statewide.

The California 2014-15 budget included an additional analyst position for CCDA. This position adds capacity to the Commission in the area of collection, analysis and research of data on access claims filed in California. This position also adds significantly to the educational mission of the Commission.

COMMITTEES

In 2014, the Commission completed a review of their organization and the effectiveness of their committee structure. A new structure is emerging based on the implementation of the newly adopted strategic plan.

Current Standing / Ad Hoc Committee Structure	Pending Committees
• Executive	• Data Collection
• Education and Outreach	• Legislative
• Checklist	

Executive. The Executive Committee continues meeting monthly to address operational needs and establish the Commission's agenda.

Education and Outreach. The Commission is focusing significant energy on education and outreach with the ongoing efforts of the Education and Outreach

Committee – a 2014 newly established Standing Committee of CCDA. This committee establishes strategies for the development and dissemination of effective education modules and will work closely with the Data Collection Committee once it is established. Dissemination will also rely on the increasing network of agencies and organizations statewide, many of whom are noted in other sections of the report.

The Education and Outreach Committee produced the first Community Stakeholders Gathering, October 21st in Southern California. The event was held in Los Angeles at the Mexican American Legal Defense and Educational Fund (MALDEF) building and conference center. This was a successful public outreach activity which included partnerships with business owners, disability advocates, Americans with Disabilities Act (ADA) experts, architects, contractors, builders, Certified Access Specialists (CASp), state and local government representatives, building officials, the legal communities, and the general public. The Committee targeted the diverse communities which represent the mosaic characteristics of the population of the State of California.

The Education and Outreach Committee will work to establish a goal for the number of outreach activities conducted (e.g., seminars, conferences, publications) and the number of people served by these methods. Two upcoming activities include planning an outreach event for the second quarter of 2015 and completion of a "consumer guide" this year to assist local government, business associations, professionals, property owners and tenants with access compliance.

Checklist. The Checklist Committee was formed in July 2014 in accordance with Government Code Section 8299.06 (SB 1608.) The Checklist Committee is composed of experienced professionals who developed a master checklist for disability access compliance that may be used by building inspectors. In early 2015, the Checklist Committee will determine the most effective means of disseminating the checklist. The checklist will also be used in training modules and will be additionally available for the Commission's partners to post on their websites and to use in their own organizations. This committee has also been tasked to provide editorial oversight of an access compliance guide for business owners.

STRATEGIC PLAN

In 2014, CCDA oversaw the development of a five-year strategic plan. The focus was on transparency and openness to ensure important issues were addressed in a constructive manner leading to realistic future work efforts. The intent was to identify what can be achieved in the near future given the right combination of commitment, time, and resources. (The plan is available on CCDA's website.)

Process. With the help of Sacramento State

University's Center for Collaborative Policy, a stakeholder interview and assessment effort was undertaken to learn what important information and perspectives were held by key players in the field. The resulting information was brought into the strategic planning dialogue and helped to identify critical gaps that needed to be addressed.

Two stakeholder workshops (one in northern

California and one in southern California) were held to identify and validate the plan's goals and objectives. A group of key stakeholder representatives from the disability community, government, business, non-governmental organizations and CCDA partners and affiliates came together and worked diligently to make this document happen. Organizations participating at the workshops are listed below.

Category	Organizations
Disability Community	California Council of the Blind Communities Actively Living Independent & Free (CALIF), Los Angeles Disability Rights California As It Stands Southern California Resource Services for Independent Living Californians for Disabilities Rights, and Designing Accessible Communities Designing Accessible Communities Disability Rights Legal Center
Private Sector/ Non-Governmental Organizations	California Hotel & Lodging Association California Business Properties Association American Institute of Architects, California Council Valley Economic Alliance Rocky A. Burks Consulting Law Office of Jamie R. Schloss Pacific Clinics Law Offices of Melinda G. Wilson Westfield, LLC
Local Government	City of Oroville, Building Division Office of Small Business, City and County of San Francisco Los Angeles Department on Disability Disability Commission, City of Compton Los Angeles Department of Water and Power City of Orville Los Angeles County Commission on Disabilities
State Government	CCDA CCDA Commissioners California Department of Rehabilitation California Office of Emergency Services Division of State Architect California Department of General Services
Legislature	Office of Senate Majority Leader

The CCDA Strategic Planning Team provided guidance throughout the project. Members included:

CCDA Commissioners	Betty Wilson Scott Hauge
Private Sector	Erick Mikiten, AIA, LEED-AP, Mikiten Architecture
Local Government	Regina Dick-Endrizzi, Office of Small Business, City and County of San Francisco
State Government	Dennis Corelis, Division of the State Architect Megan Juring, Department of Rehabilitation Vienalyn Tankiamco, Department of Rehabilitation Steve Castellanos, FAIA, Executive Director, CCDA Angela Jemmott, CCDA
Legislature	Wendy Hill, Senior Legislative Assistant, Assembly Member Ammiano

Outcomes. Consensus was reached on nine goals; the goals and their purpose are listed in the table below. Several objectives/strategies were also developed for each of the identified goals.

Goal	Purpose
1: Advocate for access curricula for all school programs	To raise awareness of and increase training around accessibility design and construction
2: Increase disability access awareness	To raise awareness of access issues and the tools available to assist businesses, nonprofits, schools, and the community to support changes to the built environment
3: Create training programs for targeted constituencies	To address the lack of opportunity for businesses, nonprofits, schools, professionals in the planning, design, property, construction and other sectors to learn about and to engage with resources around access issues and find support to make accommodation modifications
4: Create and identify revenue streams to fund access needs (subject to increased CCDA staffing)	To identify and secure a revenue stream to support efforts to mitigate accommodation costs and incentivize access compliance
5: Create financial and other incentives for access compliance	To support and encourage access compliance through new and creative incentive programs
6: Explore the development of a state level Americans with Disabilities Act (ADA) Access office	To address the disparate levels of resources and information at various state offices by providing a single access point that can guide people in the process of access mitigation and compliance
7: Advocate to hold authorities having jurisdiction accountable for the built environment (both public and private) to avoid passive non-compliance for architectural and program access	To seek out ways to educate and support public and private entities on their responsibilities for access compliance
8: Maintain data on status of access compliance	To provide relevant information and data on the status of access compliance throughout California
9: Expand methods of identification, obligation, and enforcement of barrier removal in the built environment	To facilitate awareness of current and potential gaps and inconsistencies in policy at the state and local levels

Implementation Plan. Again, the Strategic Plan was written to identify what can be achieved in the near future given the right combination of commitment, time, and resources. The next step in the process will be to develop a tiered approach to the activities that need to be undertaken. This approach will help to prioritize activities and identify the resources needed to carry them out.

EDUCATIONAL RESOURCES

The Commission continues to focus on development and dissemination of a variety of educational materials and information. Limited resources require the Commission to identify materials developed by other organizations. The Commission's website continues to be the most effective educational resource and will undergo another redesign and improvement in 2015.

CCDA expects that assistance will be provided through the Disability Access Education Fund, managed by the State Architect, in 2015. These funds, collected from local government through an additional \$1.00 on business license renewal, support the Certified Access Specialist program, in part, and public education required to aid compliance. Proposals have been submitted to the State Architect from CCDA and the Department of Rehabilitation for use of a portion of the Education Fund to develop and disseminate educational materials.

OUTREACH

Of primary importance in improving outreach to local government, business associations, professionals, property owners and tenants is the development of a California specific guide for access compliance. As mentioned in the Committee section of this report, this compliance tool will be completed in 2015, and will form the basis for expanded outreach. Due to CCDA's staffing limitations, the success of these outreach efforts rely on the generous and continuing support of the Commission's partners.

CERTIFIED ACCESS SPECIALISTS

The Certified Access Specialist Institute, together with the State Architect, continues to work with their CASp members to improve performance and consistency. CCDA has been advised that there is some resistance expressed by the business community to seek CASp services because of the current statutory requirement. This requirement to disclose whether a CASp report has been generated when entering a new lease for business property has been viewed as an invitation to increased liability and therefore has been discouraged by business property owner associations. CCDA will assist with building relationships to support lessening the resistance and barriers for this highly effective and necessary tool for the community.

In 2015, CCDA will continue to work with the State Architect, business property landlords and tenants on the development of education modules focused on the importance of obtaining reports that lead to the correction of access violations.

DATA COLLECTION/ANALYSIS

CCDA is required to collect data from claims filed and demand letters related to disability access. The data collected has revealed much more than the top ten violations (see Section 3 for 2014 data and trends). The questions that have arisen have led the commission to begin more significant analysis and consequent research

that will include regional variation, most significantly impacted public accommodations, and factors contributing to lack of compliance.

PARTNERSHIPS

As a result of the Strategic Plan development process, CCDA increased the number of effective partnerships with local government, service agencies and organizations eager to work with the Commission. Of primary importance to the Commission is the development of toolkits and training modules for dissemination in 2015. The inspection checklist for local building officials is complete and the Commission has begun development of a California specific access compliance guide for business owners with anticipated completion scheduled for midyear 2015. The success of both of these efforts is dependent on the continued support of the Commission's partners.

PATH FORWARD

Training and education is the primary focus for 2015. As mentioned above, completion of a training guide and toolkit will be a priority of the Commission and its Education and Outreach Committee. CCDA has also formed a Legislative Committee which will assume the responsibility of monitoring proposed legislation affecting access as well as using collected data, analysis and research to propose, along with partners, policy that can improve universal access. The development of a tiered approach to implementing the Commission's Strategic Plan is also a high priority in 2015. This tiered approach will help CCDA identify activities to be accomplished in the near future, as well as identifying resources that will be needed to complete those activities.

3.0 Claims and Demand Letter Data Collection

BACKGROUND

With the passing of SB 1186 in September of 2012, the California Commission on Disability Access began collecting and reporting on the website the top ten most frequently alleged construction-related physical access violations. This report provides detailed tabulations for the reporting periods from January – October 2014.¹ In the ten months of data collection in 2014, CCDA received a total of 2,571 records of court filings and/or demand letters – an average of 257 records per month.

CCDA was successful in managing this project. However, due to staff turnover, CCDA was not able to tabulate data from November – December 2014.

¹ Tabulated data on alleged violations from September 2012 – December 2013 is available in CCDA's 2013 Annual Report (<http://www.ccda.ca.gov/Reports.htm>).

TABULATED DATA FOR 2014

CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS

A total of 8,720 construction-related physical access violations were alleged in the 2,571 state/federal cases and demand letters during the 10-month period from January - October 2014. The types of ADA alleged violations have been categorized using 51 key codes consistent with Title

24 of the California Code of Regulations (see Appendix C – ADA Violations Listing).

10 MOST FREQUENT TYPES OF CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS ALLEGED

The top two ranking alleged violations in 2014 – loading zones/van access and parking space signage – comprise 25% of the total reported violations. Information from last year's report is shown here for comparison.

Top 10 Violation Rankings						
Category	Alleged ADA Violations (See Annex C for full description)	Sept – June 2012	July 2012 - Dec 2013	Jan – Mar 2014	Apr – June 2014	July - Oct 2014
Toilet Rooms – Bathrooms	Key Code 1 – Entry doors not accessible or on accessible route.	N/A	10	10	N/A	10
	Key Code 5 – Lavatories and mirrors not accessible.	9	N/A	N/A	N/A	N/A
	Key Code 7 – Grab bars in bathroom non-existent or not compliant.	8	N/A	N/A	8	N/A
Parking	Key Code 11 – Below minimum number of accessible parking spaces.	4	4	4	10	6
	Key Code 12 – Parking spaces not compliant.	2	2	3	3	3
	Key Code 13 – Signage not compliant.	5	3	2	2	2
	Key Code 14 – Loading zones/van access aisles not compliant or non-existent.	1	1	1	1	1
Accessible Route and Entry	Key Code 15 – Routes to/from parking lot or public rights of way not accessible.	3	5	5	6	7
	Key Code 16 – Curb/entrance ramps not compliant or non-existent.	N/A	7	8	5	5
	Key Code 17 – Entry doors not accessible or missing accessibility sign/symbol.	10	6	7	N/A	8
	Key Code 18 – Door hardware not accessible.	N/A	N/A	N/A	9	N/A
Access within Public Facility	Key Code 20 – Access aisles within building not accessible.	7	9	9	7	N/A
	Key Code 26 – Heights of surfaces not compliant.	6	8	6	4	4
General Violations	Key Code 44 – Accessible features not maintained.	N/A	N/A	N/A	N/A	9

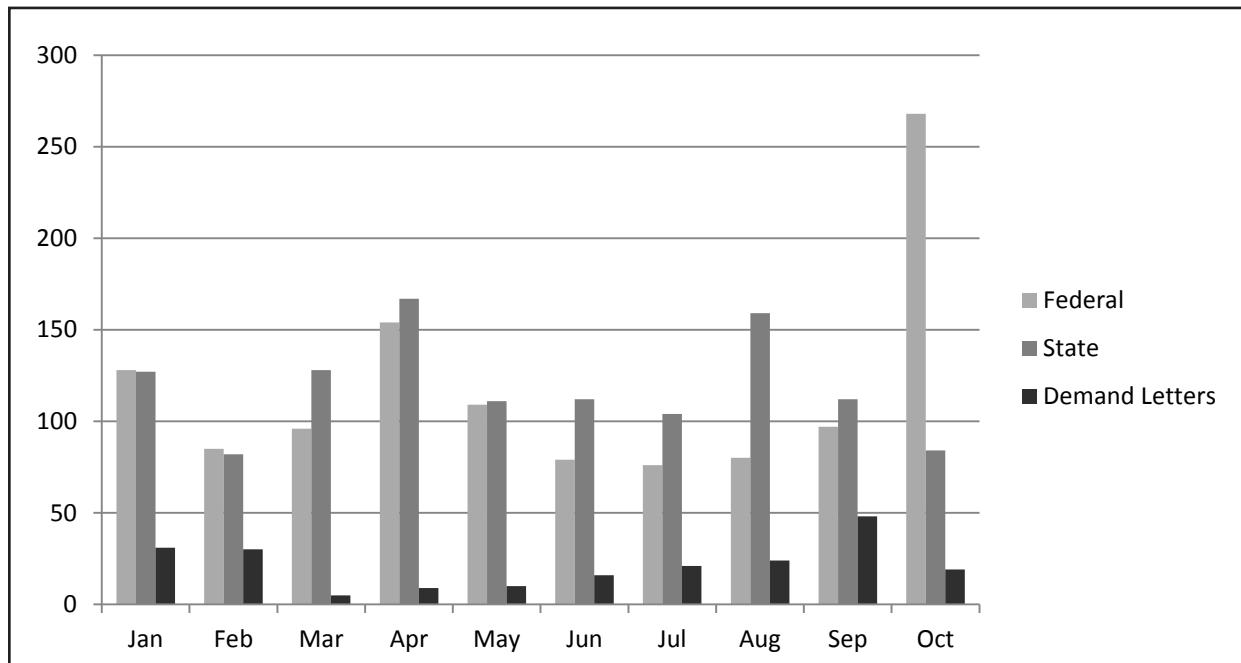
ALLEGED CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS BY TYPE

Appendix D – Tabulation of Construction-Related Physical Access Violations includes data from January – October 2014 for the alleged violations for each of the 51 key codes used.

NUMBER OF COMPLAINTS FILED IN STATE OR FEDERAL COURT AND DEMAND LETTERS

From January – October 2014, a total of 2,571 complaints were filed – 1,172 Federal Cases, 1,186 State Cases and 213 Demand Letters (see Appendix E – Complaints Filed in State/Federal Court and Demand Letters.) The graph below illustrates the monthly breakdown of complaints filed and demand letters.

Complaints Filed in State/Federal Court and Demand Letters for the Period January – October 2014



TRENDS

❖ **Attorneys and Plaintiffs** | There were 5,392 complaints (demand letters and state/federal cases) filed from Sep 2012 – Oct 2014. 54% of the complaints were filed by two law firms. Fourteen plaintiffs were involved in 46% of the complaints. These statistics are presented as an observation of legal filings in California, not as a statement on the complaints themselves.

❖ **Complaints Filed** | The average number of complaints filed (demand letters/state-federal cases) rose from 190 per month from Sep 2012 – Dec 2013 to 257 per month from Jan – Oct 2014. Federal cases rose from 21% of the total complaints from Sep 2012 – Dec 2013 to 46% from Jan – Oct 2014. Conversely, there was a drop in state cases from 68% of the total complaints from Sep 2012 – Dec 2013 to 46% from Jan – Oct 2014.

❖ **Top Ten Alleged ADA Violations** | For the entire Sep 2012 – Oct 2014 period, the #1 ranking violation was non-compliant loading zones/van access isles (Key Code 14). A non-compliant parking space (Key Code 12) trended downward from the #2 ranking violation to #3 and was replaced by parking lot signage (Key Code 13) as the #2 ranking violation in 2014.

❖ **Location Categories** | In 2014, CCDA added a “location” category component to its alleged violations database. The categories are taken from the listing of “place(s) of public accommodation” in the ADA Title III Technical Assistance Manual (2/21/14) (see Appendix F).

From April – October 2014, there were 1,858 complaints filed. Four categories (#1/Lodging; #2/ Food-Drink; #5/Sales-Rentals; #6/Service) accounted for 98% of the locations with alleged violations.

Types of Locations: April - October 2014

#	Category	Apr	May	Jun	Jul	Aug	Sep	Oct	Total	% of total
1	Lodging	31	26	27	43	11	17	16	171	9.2%
2	Food - Drink	80	65	67	50	89	76	104	531	28.6%
3	Exhibition - Entertainment	2	0	1	1	0	2	3	9	0.5%
4	Public Gathering	0	0	0	0	0	1	0	1	0.1%
5	Sales - Rental	124	84	64	56	134	123	163	748	40.3%
6	Service	83	50	43	47	27	38	79	367	19.8%
7	Public Transportation	0	1	2	0	0	0	2	5	0.3%
8	Public Display - Collection	0	0	0	0	0	0	1	1	0.1%
9	Recreation	3	5	1	2	2	0	3	16	0.9%
10	Education	2	1	1	0	0	0	0	4	0.2%
11	Social Service	2	0	0	2	0	0	0	4	0.2%
12	Exercise - Recreation	1	0	0	0	0	0	0	1	0.1%
Total		328	232	206	201	263	257	371	1858	100.0%

CHALLENGES AND SOLUTIONS

CCDA has identified both challenges and solutions in collecting and reporting the required data.

- ❖ **Challenge** | Currently CCDA receives demand letters and court cases alleging violations from attorneys. Staff must then review these documents, glean information, and manually enter the information in its database. This is labor-intensive and CCDA has had to rely on interns and volunteers to carry out these activities.
- ❖ **Solution** | To streamline data collection efforts, attorneys could be required to deliver specific information to CCDA rather than sending in the entire case or demand letter. CCDA is also in the process of forming a Data Collection Committee to provide input in this area.
- ❖ **Challenge** | A missing data component is the outcome of state and federal cases and the linkage of demand letters to those cases. Having this data would provide a picture of how and to what level violations are resolved. CCDA is not currently authorized or funded to collect this information.
- ❖ **Solution** | CCDA will explore the most efficient way to obtain this information. Working with the Commissioners, CCDA will prepare a proposal to address this issue.

APPENDICES

- Appendix A – Acronyms
- Appendix B – Commissioner Roster and Terms
- Appendix C – ADA Violations Listing
- Appendix D – Tabulation of Construction-Related Physical Access Violations
- Appendix E – Complaints Filed in State/Federal Court and Demand Letters
- Appendix F – Type of Location

APPENDIX A – ACRONYMS

ADA	Americans with Disabilities Act
CALIF	Communities Actively Living Independent & Free
CASp	Certified Access Specialist
CCDA	California Commission on Disability Access
MALDEF	Mexican American Legal Defense and Educational Fund

APPENDIX B – COMMISSIONER ROSTER AND TERMS

Name	Represents	Original Appointment	Current Appointment	Appointed By
Vacant	Public/Disability			Governor
Douglas Wiele	Public/Business Properties Association	9/19/2013	01/01/2014 - 01/01/2017	Governor
Stephen Dolim	Public/General Business	12/10/2013	12/10/2013 - 01/01/2018	Governor
Laurie Cohen Yoo	Public/General Business	10/08/2014	01/01/2013 - 01/01/2016	Governor
R. Michael Paravagna	Public/Disability	9/19/2013	01/01/2014 - 01/01/2017	Governor
Betty Wilson	Public/Disability	05/26/2009	02/28/2013 - 01/01/2016	Governor
Christopher Vaughn Downey	Public/Disability	9/19/2013	09/19/2013 - 01/01/2018	Governor
Guy A. Leemhuis	Public/Disability	05/08/2013	05/08/2013 - 01/01/2018	Senate
Scott Hauge	Public/General Business	07/02/2012	07/02/2013 - 01/01/2017	Senate
Lillibeth Navarro	Public/Disability	10/16/2009	01/27/2013 - 01/01/2017	Assembly
Vacant	Public/General Business			Assembly
Chad Mayes	Assembly/Ex-Officio	01/28/2015		
Vacant	Assembly/Ex-Officio			
Vacant	Senate/Ex-Officio			
Vacant	Senate/Ex-Officio			
Anthony Seferian	Attorney General's Office/Ex-Officio	05/26/2009		
Chester Widom	Division of the State Architect/Ex-Officio	12/06/2009		

APPENDIX C – ADA VIOLATIONS LISTING

The types of ADA alleged violations have been categorized using 51 key codes consistent with Title 24 of the California Code of Regulations.

Category	Key Code	Description
Toilet Rooms and Bathrooms	1	Entry doors are not accessible or not on an accessible route.
	2	Clear Floor Space. Non-accessible fixtures and controls or insufficient turn around space.
	3	Doors [Toilet stalls]. Non-accessible doors to toilet stalls
	4	Door space is not compliant.
	5	Lavatories and mirrors are not accessible.
	6	The location/height of toilets, urinals, flush controls, or toilet paper dispensers is not compliant.
	7	Grab Bars. Grab bars in bathroom are non-existent, or existing grab bars are not compliant.
	8	Insufficiently covered, coat racks too high, light switch too high.
	9	Faucets. Non-accessible lever-operated, push-type, or electronically controlled mechanisms.
	10	Bathtubs or showers are not accessible.
	39	Toilet seat cover dispenser not accessible.
	40	Hand sanitizer, liquid soap or paper towel dispenser not accessible.
	46	Lack of unisex ADA bathrooms or any accessible bathrooms.
Parking	11	Number of spaces. Parking lot does not contain minimum number of accessible parking spaces.
	12	Parking Spaces. Existing parking spaces are not compliant.
	13	No sign showing the symbol of accessibility.
	14	Loading zones/van access aisles are not compliant or non-existent
Accessible Route and Entry	15	Routes to and from parking lot or public right of way are not accessible. May include uneven surfaces.
	16	Ramps. Curb ramps or entrance ramps are not compliant or non-existing.
	17	General. Entry doors are not accessible or missing sign/symbol of accessibility.
	18	Door Hardware. Thresholds, handles, pulls, latches, locks, or other operating devices are not accessible.
	45	Accessible path is too far away or path is not clear for the accessible route.
Access within Public Facility	19	General. Objects projecting from walls.
	20	Access aisles within building are not accessible. e.g., dining or work surfaces are not on an accessible route.
	21	Maneuvering Clearances at Doors. Required clearances are not compliant.
	22	Stairs or Guardrails. Stairs are not compliant or lack guardrails.
	23	Handrails non-existent or not accessible.
	24	Route with inadequate signage.
	25	Wheelchair spaces in assembly areas are non-existent or not compliant.
	26	Access Height. Heights of surfaces such as counters, bars, or tables are not compliant.

APPENDIX C *continued*

Category	Key Code	Description
Equipment within Public Facility	27	Audible signals.
	28	Public telephones are not wheelchair accessible.
	29	Public telephones do not have accessible volume control.
	30	General Public Equipment. Gas pumps, automatic teller machines, or fare machines are not compliant.
	37	General Pool. Pool lifts, sloped entries, transfer walls, transfer systems, and pool stairs are not accessible.
	38	Drinking Fountains and water coolers are not accessible.
General Violations	31	Dressing, fitting, or locker rooms are not compliant.
	32	Sleeping rooms, units or suites are not accessible or insufficient number of accessible guest rooms.
	33	Patient bedrooms or baths are not accessible.
	34	Audible and visual alarms and notification appliances are not compliant.
	35	Amusement rides are not accessible.
	36	Bus stop, bus stop pad, station, terminal, building or other transportation facility is not accessible.
	41	Service dog not allowed in building.
	42	Lamp not accessible.
	43	Shuttle van/bus not accessible.
	44	Accessible features not maintained.
	47	Website does not offer ADA options or is not accessible.
	48	Lack of separate call button.
	49	Insufficient documentation/lack of ADA access issue
	50	Lack of temporary hand controls to test drive vehicles
	51	Staff provided barrier to access

APPENDIX D – TABULATION OF CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS

The table below provides a summary of all construction-related physical access violations by category for a ten-month period (see Appendix C for a listing of all violation descriptions). The tables on the following pages of this appendix provide a detailed breakdown of specific violations alleged for each of the six categories. The violation data was pulled from the

complaints filed in state/federal court and in demand letters (see Appendix E for statistics on those filings). A total of 8,720 violations were alleged in the 2,571 complaints (demand letters; state and federal cases) filed from January – October 2014.

SUMMARY OF ALLEGED CONSTRUCTION-RELATED PHYSICAL ACCESS VIOLATIONS BY CATEGORY

CATEGORY	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Totals
Toilet Rooms and Bathrooms	258	130	52	166	187	181	136	180	240	245	1875
Parking	383	366	355	327	285	256	215	332	406	384	3309
Accessible Route and Entry	216	201	125	152	177	193	209	156	201	244	1874
Access within Public Facility	124	111	79	102	94	105	113	89	128	151	1096
Equipment within Public Facility	26	24	19	35	19	16	27	9	5	28	208
General Violations	26	18	52	20	16	20	6	25	36	139	358
Totals	1033	850	782	802	778	771	706	791	1016	1191	8720

Category: Toilet Rooms/Bathrooms

January - October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
1	Entry doors are not accessible or not on an accessible route.	35	25	29	23	28	22	37	31	45	31	306
2	Clear Floor Space. Non-accessible fixtures and controls or insufficient turn around space.	34	16	10	17	26	22	14	15	35	31	220
3	Doors [Toilet stalls]. Non-accessible doors to toilet stalls	9	6	7	9	7	4	3	6	3	8	62
4	Door space is not compliant.	5	3	1	3	1	2	0	0	3	8	26
5	Lavatories and mirrors are not accessible.	29	11	25	22	26	21	14	25	34	38	245
6	The location/height of toilets, urinals, flush controls, or toilet paper dispensers are not compliant.	26	7	11	5	13	12	9	13	12	8	116
7	Grab Bars. Grab bars in bathroom are non-existent, or existing grab bars are not compliant.	27	21	22	46	28	31	23	27	46	41	312
8	Insufficiently covered, coat racks too high, light switch too high.	36	20	18	26	34	25	17	27	35	39	277
9	Faucets. Non-accessible lever-operated, push-type, or electronically controlled mechanisms.	8	5	2	1	3	3	1	2	3	4	32
10	Bathtubs or showers are not accessible.	1	5	2	0	1	4	0	0	2	2	17
39	Toilet seat cover dispenser not accessible.	22	3	11	6	12	11	10	11	10	14	110
40	Hand sanitizer, liquid soap or paper towel dispenser not accessible.	26	5	10	7	4	11	8	14	11	16	112
46	Lack of unisex ADA bathrooms or any accessible bathrooms.	0	3	4	1	4	13	0	9	1	5	40
TOTALS		258	130	152	166	187	181	136	180	240	245	1875

Category: Parking

January - October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
11	Number of spaces. Parking lot does not contain minimum number of accessible parking spaces.	65	82	71	32	25	33	8	30	99	87	532
12	Parking Spaces. Existing parking spaces are not compliant.	73	87	83	61	56	63	53	69	90	113	748
13	No sign showing the symbol of accessibility.	91	92	78	63	75	64	82	59	113	78	795
14	Loading zones/van access aisles are not compliant or non-existent.	154	105	123	171	129	96	72	174	104	106	1234
	Totals	383	366	355	327	285	256	215	332	406	384	3309

Category: Accessible Route and Entry

January - October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
15	Routes to and from parking lot or public right of way are not accessible. May include uneven surfaces.	67	70	40	32	56	59	43	50	76	53	546
16	Ramps. Curb ramps or entrance ramps are not compliant or non-existing.	49	46	26	45	53	66	71	47	54	89	546
17	General. Entry doors are not accessible or missing sign/symbol of accessibility.	62	44	17	15	27	25	43	39	34	40	346
18	Door Hardware. Thresholds, handles, pulls, latches, locks, or other operating devices are not accessible.	22	15	25	28	30	35	40	18	27	14	254
45	Accessible path is too far away or path is not clear for the accessible route.	16	26	17	32	11	8	12	2	10	48	182
	Totals	216	201	125	152	177	193	209	156	201	244	1874

Category: Accessible Within Public Facility
January - October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
19	General. Objects projecting from walls.	6	5	3	0	0	3	6	0	5	33	61
20	Access aisles within building are not accessible, e.g., dining or work surfaces are not on an accessible route.	41	29	24	44	40	30	31	23	23	34	319
21	Maneuvering Clearances at Doors. Required clearances are not compliant.	8	12	1	5	1	2	0	0	0	4	3
22	Stairs or Guardrails. Stairs are not compliant or lack guardrails.	0	3	2	2	0	1	0	0	1	0	9
23	Handrails non-existent or not accessible.	1	0	0	1	0	0	1	0	0	0	3
24	Route with inadequate signage.	1	2	1	1	0	1	2	0	2	0	10
25	Wheelchair spaces in assembly areas are non-existent or not compliant.	9	11	3	2	0	4	0	1	5	12	47
26	Access Height. Heights of surfaces such as counters, bars, or tables are not compliant.	58	49	45	47	53	64	73	65	88	69	611
Totals		124	111	79	102	94	105	113	89	128	151	1096

Category: Equipment Within Public Facility
January - October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
27	Audible signals.	19	19	14	8	8	5	14	3	0	7	97
28	Public telephones are not wheelchair accessible.	0	1	0	0	0	0	0	0	0	1	2
29	Public telephones do not have accessible volume control	1	0	0	0	0	0	0	0	0	0	1
30	General Public Equipment. Gas pumps, automatic teller machines, or fare machines are not compliant.	6	2	5	25	10	10	13	4	3	19	97
37	General Pool. Pool lifts, sloped entries, transfer walls, transfer systems, and pool stairs are not accessible.	0	1	0	0	1	1	0	1	1	1	6
38	Drinking Fountains and water coolers are not accessible.	0	1	0	2	0	0	0	1	1	0	5
Totals		26	24	19	35	19	16	27	9	52	8	208

Category: General Violations
January - October 2014

Key Code	ADA Alleged Violation	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total Per Violation
31	Dressing, fitting, or locker rooms are not compliant.	0	3	0	0	0	0	0	0	1	0	4
32	Sleeping rooms, units or suites are not accessible or insufficient number of accessible guest rooms.	3	3	6	3	13	9	5	2	6	6	56
33	Patient bedrooms or baths are not accessible.	0	0	0	0	0	0	0	1	1	1	2
34	Audible and visual alarms and notification appliances are not compliant.	0	0	0	2	0	0	0	0	0	0	2
35	Amusement rides are not accessible.	0	0	0	0	0	0	0	0	0	0	0
36	Bus stop, bus stop pad, station, terminal, building or other transportation facility is not accessible.	0	1	0	0	0	0	0	0	0	1	2
41	Service dog not allowed in building.	1	0	0	0	1	2	0	0	0	1	5
42	Lamp not accessible.	0	0	0	0	0	2	0	0	0	0	2
43	Shuttle van/bus not accessible.	0	2	0	0	0	0	0	0	0	3	5
44	Accessible features not maintained.	10	1	38	8	0	3	1	23	22	105	211
47	Website does not offer ADA options or is not accessible.	1	1	0	1	1	0	0	0	0	1	5
48	Lack of separate call button.	0	0	0	0	0	0	0	0	0	0	0
49	Insufficient documentation/lack of ADA access issue.	1	1	0	1	0	1	0	0	0	3	7
50	Lack of temporary hand controls to test drive vehicles.	1	1	0	0	0	0	0	0	0	4	6
51	Staff provided barrier to access.	9	5	8	5	1	3	0	0	6	14	51
Totals		26	18	52	20	16	20	6	25	36	139	358

APPENDIX E – COMPLAINTS FILED IN STATE/FEDERAL COURT AND DEMAND LETTERS

January - October 2014

MONTH	FEDERAL	STATE	DEMAND LETTERS	MONTHLY TOTAL
Jan	128	127	31	286
Feb	85	82	30	197
Mar	96	128	5	229
Apr	154	167	9	330
May	109	111	10	230
Jun	79	112	16	207
Jul	76	104	21	201
Aug	80	159	24	263
Sep	97	112	48	145
Oct	268	84	19	371
Total by Type	1172	1186	213	2571

NOTE: The total number of complaints and letters is less than the total number of alleged violations since a single complaint or letter may allege multiple violations.

APPENDIX F – Type of Location

CCDA added a “type of location” category to its alleged violations database in 2014. These categories are taken from the listing of “place(s) of public accommodation in the ADA Title III Technical Assistance Manual (2/21/14).

#	Category	Examples
1	Places of lodging	Inns, hotels, motels (except for owner-occupied establishments renting fewer than six rooms)
2	Establishments serving food or drink	Restaurants and bars
3	Places of exhibition or entertainment	Motion picture houses, theaters, concert halls, stadiums
4	Places of public gathering	Auditoriums, convention centers, lecture halls
5	Sales or rental establishments	Bakeries, grocery stores, hardware stores, shopping centers
6	Service establishments	Laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals
7	Public transportation	Terminals, depots, or stations (not including facilities relating to air transportation)
8	Places of public display or collection	Museums, libraries, galleries
9	Places of recreation	Parks, zoos, amusement parks
10	Places of education	Nursery schools, elementary, secondary, undergraduate, or postgraduate private schools
11	Social service center establishments	Day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies
12	Places of exercise or recreation	Gymnasiums, health spas, bowling alleys, golf courses

CCDA Five Year Strategic Plan 2014-2019

VISION

A vision statement is an image of the mission accomplished, and reflects an ideal future state.

THE CCDA VISION STATEMENT IS:

An accessible, barrier free California = Inclusive and equal opportunities and participation for all Californians.

MISSION

The mission statement defines an organization's purpose, and shares with the world "who we are, why we exist, and what we do."

THE CCDA MISSION STATEMENT IS:

The mission of the California Commission on Disability Access is to promote disability access in California through dialogue and collaboration with stakeholders including but not limited to the disability and business communities and all levels of government.

CORE VALUES

The core values are the fundamental perspectives held by CCDA and its client community, and reflect the collective culture and priorities that steer the strategic planning effort and its ultimate implementation – from personal and professional viewpoints translated to the organization.

The Core Values driving the collective work of CCDA and its client community are:

- ❖ To seek out leaders, including leaders from the disability, business, educational, and nonprofit communities, to help inspire vision, knowledge, integrity, loyalty, pride, passion and service to promote disability access in California.
- ❖ To empower those with disabilities by providing information to the community, businesses, nonprofits, schools, government and other entities about disability culture and the disability community's key place in California's economic fabric.
- ❖ To support Californians with disabilities by providing the tools they need to participate in their community and make a difference in society as a whole.

❖ Successful and integrated statewide physical access improvements for persons with disabilities requires education and sensitivity to the challenges that businesses, schools and other organizations face in implementing access goals.

❖ To create an environment that values and practices communication and collaboration across the wide spectrum of interests in the disability, governmental, business, educational, and nonprofit communities.

GUIDING PRINCIPLES

Guiding principles help set the tone of how to achieve goals. These principles reflect procedural priorities, shared processes, and the rules of engagement of how the CCDA community will work to implement efforts designed to meet its objectives.

THE CCDA GUIDING PRINCIPLES ARE:

- ❖ Developing advocates from diverse backgrounds, including persons with disabilities, the educational community, the informed business community and other sectors is critical to California's overall economic success and to promoting and improving disability access for all Californians.
- ❖ The CCDA community and its activities should be led by valued and dedicated partners, both representing the full range of disabilities as well as the business, nonprofit, educational, and others sector communities that employs and serves them.
- ❖ Knowledge of disability history and culture, and physical and program access needs is an essential part of understanding the access needs and requirements of the disability community in California.
- ❖ Providing resource information and fostering awareness of disability community rights, capabilities, and benefits to parents and caregivers as well as to the business, nonprofit, education, and other communities of California to help create a partnership in support of improved disability access and joint economic interests.

GOALS AND OBJECTIVES

Each of the following goals identifies desired end results to achieve in the next five years. The goals reflect the most important strategic issues for the CCDA as a whole, and while the goals are realistic and achievable, they seek to stretch and challenge CCDA.

Goal 1 Advocate for access curricula for all school programs.

As part of the effort to maintain and build a network of trained and knowledgeable architects, designers, landscape architects, contractors, building inspectors, and other construction trade workers versed in the issues and best practices of accessibility practices and design, this goal addresses the need to raise awareness of and increase training around accessibility design and construction for job seekers interested in the built environment, as well as for professionals with established careers who may seek continuing education credit or job diversification.

Objectives/Strategies:

1. Create an Advisory Board.
 - a. CCDA to create objectives for the advisory board.
2. Meet with all associated professional and academic groups and accreditation bodies and building officials.
3. Make recommendations to amend the Education Code for all levels of schools and or seek legislation to include disability access curricula requirements and training at all levels of schooling.

Goal 2 Increase disability access awareness.

A large number of members of the disability community are not readily identifiable. As our population ages, mobility issues will affect a greater percentage of society and access will become even more important in the near future. Accessibility compliance is sometimes viewed as unnecessary and applicable to a very small minority of the population. Many small business owners view access compliance as either an unfunded mandate or a nuisance – not a civil right. Business owners, nonprofits, and other organizations are often unaware of the Americans with Disabilities Act (ADA) requirements - or if they are, what compliance looks like. This goal seeks to raise awareness of access issues and the tools available to assist businesses, nonprofits, schools, and the community to support changes to the built environment.

Objectives/Strategies:

1. Develop a public and culturally appropriate media /social awareness campaign to increase awareness and educate the general public, government agencies and elected officials.
2. Develop dialogue opportunities for the business, nonprofit, school, disability, and other communities.
3. Encourage collaboration between the Certified Access Specialist Program (CASp) inspectors and the disability community and coordinate partnerships.

Goal 3 Create training programs for targeted constituencies.

This goal seeks to address the lack of opportunity for businesses, nonprofits, schools, professionals in the planning, design, property, construction and other sectors to learn about and to engage with resources around access issues and find support to make accommodation modifications. Community groups and organizations from the disability community and other communities will also benefit from trainings and conversations on rights and remediation efforts locally, statewide, and nationally.

Objectives/Strategies:

1. Collaborate and coordinate with professional associations. Also target elected officials and governmental entities, as well as property, business owners, nonprofits, schools, and others. The messages should include:
 - a. Uphold current laws (code 4450, HS code 11135, cc 51 and laws related to program access such as use of service animals) and create new ones to promote disability access.
 - b. Promote cultural competency regarding disability and program access.
2. Seek opportunities to engage diverse interest groups in integrated training and dialogues.
 - a. Target disability communities – both individuals and organizations – and educate them on rights and remediation.
3. CCDA will coordinate with appropriate professional associations on compliance for the built environment.

Goal 4 Create and identify revenue streams to fund access needs (subject to increased CCDA staffing).

There is currently no revenue source available to offset the financial cost to assist businesses, nonprofits, schools, and others with access compliance issues. This goal speaks to the need to identify and secure a revenue stream to support efforts to mitigate accommodation costs and incentivize access compliance.

Objectives/Strategies:

1. Identify funding sources for small businesses, property owners, nonprofits, schools, and other organizations with validated needs.
2. Research budget systems to fund CCDA accessibility efforts and access compliance.
3. Examine programs underway for opportunities to create funding allocations for access compliance.
4. Create through legislation a designated funding stream for access programs.

Goal 5 Create financial and other incentives for access compliance.

Similar to Goal 4, the intent of this goal is to support and encourage access compliance through new and creative incentive programs.

Objectives/Strategies:

1. Prioritize compliance through funding at local and state government levels to increase access.
2. Investigate a state and/or local tax credit and deductions.
3. Restore tax credits for accessibility compliance for business owners.
4. Create a recognition program for access compliance similar to the U.S. Green Building Council's Leadership in Energy & Environmental Design (LEED) at the project, municipality, and statewide levels.
5. Investigate whether and how to implement a revolving loan/grant program to provide for accessibility modifications similar to the California Underground Storage Tank (UST) Cleanup Fund (Fund).
6. Investigate whether and how to reduce permit fees as a means to facilitate barrier removal and to reduce the amount of time needed to process an application.
7. Encourage CAsp to review potential cost reductions and efficiencies.

8. Explore incentives for real estate development, and reference enterprise zones and other models.

Goal 6 Explore the development of a state level Americans with Disabilities Act (ADA) Access office.

Information, resources, and compliance support for access and accommodation requests are found at varying levels throughout state and local government. The inconsistency of response, availability, and information resources is a challenge for those who seek to identify and implement solutions to compliance issues. This goal seeks to address the disparate levels of resources and information at various state offices by providing a single access point that can guide people in the process of access mitigation and compliance.

Objectives/Strategies:

1. Survey other state programs for examples of state level ADA access offices e.g. Massachusetts.
2. Study all existing offices and programs throughout California government relating to ADA/access compliance.
3. Determine number of city and county ADA coordinators, as a potential survey.
4. Develop a vision and core mission for the new office, and determine services to provide i.e. ombudsman, interagency coordination, and/or other services.

Goal 7 Advocate to hold authorities having jurisdiction accountable for the built environment (both public and private) to avoid passive non-compliance for architectural and program access.

Compliance is seen as expensive and most small business owners, nonprofits, schools, and others view access compliance as prohibitively expensive – particularly in older buildings. Additionally, there are few mechanisms to enforce state and federal accessibility laws other than through building inspections (at the state level if modifications trigger a building permit) and lawsuits (at the federal level since there are no building inspectors at the federal level). Conversely, local and state buildings also experience challenges addressing accessibility in existing buildings, and rarely are able to make the necessary adjustments if they are even aware of the requirements. The purpose of this goal is to seek out ways to educate and support public and private entities on their responsibilities for access compliance.

Objectives/Strategies:

1. Understand the scope of authority and responsibility of public agencies and property owners regarding disability access.
2. Assess the feasibility of whether California should mandate local governments to be responsible for built environments.
3. Insure business owners and property owners, nonprofits, schools, and others have full knowledge and acceptance of their responsibilities.
4. Identify systemic gaps to the achievement of disability access compliance.
5. Develop recommendations to the legislature regarding accountability (both top down and bottom up) for the built environment to achieve compliance.
6. Help government understand how to create and/or expand mechanisms for accountability on public property, private property and the public/private interface.

Goal 8 Maintain data on status of access compliance.

There is confusion about access laws and regulations. Not all business owners, nonprofits, schools, and others are aware of Americans with Disabilities Act (ADA) requirements - or if they are, what compliance looks like. There are questions as to what information exists on compliance successes and where opportunities exist to create greater access, not to mention outcomes from federal accessibility lawsuits. The purpose of this goal is to provide relevant information and data on the status of access compliance throughout California.

Objectives/Strategies:

1. Continue to collect data on lawsuits related to access violations.
2. Expand CCDA website to track known access issues/out-of-compliance properties.
3. Develop a research and analysis rubric for data collection that defines what to collect and why.
4. Identify how ADA access is coordinated at state/county and local levels.
5. Gather data from a diverse set of stakeholder organizations at periodic roundtable meetings.
6. Collect data on successful compliance and compile Best Management Practices (BMP's).

Goal 9 Expand methods of identification, obligation, and enforcement of barrier removal in the built environment.

The purpose of this goal is to facilitate awareness of current and potential gaps and inconsistencies in policy at the state and local levels. With the information of gaps and inconsistencies, accessibility advocates can support and strive for changes that improve the built environment for all.

Objectives/Strategies:

1. Monitor local ordinances, bills and policies passed by elected officials that negatively impact access.
2. Partner with CASp to identify gaps where oversight of access compliance exists, an example may include that business or other transactions do not trigger a request for a building permit.
3. Strengthen working relationships with CASp specialists and government organizations.
4. Recommend expansion on disclosure of ADA issues in lease/purchase agreements between developers/property owners and lessee/buyers.
5. CCDA to coordinate with professional associations on compliance for built environment.
6. Characterize codes as health, safety and welfare, not as "access codes" that are part of the building codes.
7. Develop a mechanism to collect all CASp reports.

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Strategic Planning Design Team

Betty Wilson, Chair, Education & Outreach Committee, CCDA

Regina Dick-Endrizzi
Office of Small Business, City and County of San Francisco

Dennis Corelis, DSA

Steve Castellanos, FAIA CCDA

Scott Hauge, CCDA Commissioner

Erick Mikiten, AIA, LEED-AP, Mikiten Architecture

Megan Juring, Department of Rehabilitation

Vienalyn Tankiamco, Department of Rehabilitation

Angela Jemmott, CCDA

Wendy Hill, Senior Legislative Assistant,
Assembly Member Ammiano

California Accessibility Guide for Small Businesses

Preface

This document is intended to provide explanation and technical guidance to assist owners of small businesses of the accessibility regulations of the State of California as applied to places of businesses.

Under the current governing regulations, places of businesses are considered public accommodations and commercial buildings.

It is not the intent of this guideline to provide any advice on the application of the building code regulations to any specific conditions or project by text or illustrations. The pictures provided in this guideline are shown to illustrate and explain a specific code requirement. It is highly recommended the actual governing code and regulations be consulted for accessibility requirements applicable to any specific conditions or projects.

The user of this guideline is hereby advised to consult with a California licensed architect or a California Certified Access Specialist (CASp) for evaluation and application of accessibility regulations to any project under consideration.

1. INTRODUCTION

The purpose of this guide is to provide an overview and explanation of some basic accessibility requirements of the State of California for small businesses that provide goods and services to the public in general.

It is important to note that, in addition to the accessibility requirements of the State of California, compliance with accessibility regulations set forth in the current governing Americans with Disabilities Act (ADA) is also required.

2. DEFINITIONS

2.1. Accessibility

ACCESSIBILITY is the combination of various elements in a building, facility, site, or area, or portion thereof which allows access, circulation and the full use of the building and facilities by persons with disabilities in conformance with regulations set forth in Chapter 11B of the California Building Code.

2.2 Accessible Route

ACCESSIBLE ROUTE is a continuous, unobstructed path connecting accessible elements and spaces of an accessible site, building or facility that can be negotiated by a person with a disability using a

wheelchair and that is also safe for and usable by persons with other disabilities. Interior accessible routes may include corridors, hallways, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts.

2.3 Path of Travel

PATH OF TRAVEL is an identifiable accessible route within an existing site, building or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets and parking areas), an entrance to the facility and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term "path of travel" also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work.

3. ACCESSIBILITY REGULATIONS

There are two separate sets of accessibility regulations which businesses must adhere to. One is the accessibility requirements of the State of California and the other is the Federal Americans with Disabilities Act (ADA). Although there are similarities between the aforementioned sets of accessibility regulations, the small business owners are required to comply with both State and Federal regulations. Where there are different requirements for a specific situation in each of the aforementioned laws, compliance with the most stringent provision shall be required.

3.1 State of California

The accessibility regulations of the State of California are set forth in the Title 24 of the California Code of Regulations (CCR). These regulations are also reprinted in Chapter 11B of the California Building Code (CBC).

The purpose of these laws are to provide sites and all areas of newly designed and newly constructed buildings and facilities and altered portion of existing buildings and facilities (rooms and spaces) accessible and usable by persons with disabilities.

For complete text of these requirements, refer to the current and governing edition of the California Building Code.

3.2 American with Disabilities Act (ADA)

The American with Disabilities Act is a Federal civil

rights law, passed by Congress and signed by the President, that prohibits the exclusion of people with disabilities from everyday activities such as buying an item at the store, watching a movie in a theater, enjoying a meal at a local restaurant, exercising at the local health club or having their car serviced at a repair shop. In order to meet the goals of the ADA, the law established accessibility requirements for places of private businesses of all sizes, for both for-profit and non-profit organizations. These regulations are enforced by the U.S. Department of Justice, Civil Rights Division, Disability Rights Section.

The Department of Justice has revised its regulations implementing the ADA. This rule took effect on March 15, 2011, clarifies issues that have arisen over the past 20 years, and contains new requirements including the 2010 Standards for Accessible Design (2010 Standards).

For information about ADA, including the revised 2010 ADA regulations, please visit the U.S Department of Justice website at www.ADA.gov; or, for answers to specific questions, call the toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY).

The ADA has developed a document for small businesses in accordance with the Small Business Regulatory Enforcement Flexibility Act of 1996 called "ADA Update: A Primer for Small Business." This document may be found on the web at www.ada.govregs2010/smallbusiness/smallbusprimer2010.htm.

4. WHO IS SUBJECT TO THE ACCESSIBILITY REGULATIONS?

Businesses that provide goods or services to the public are called "public accommodations". The accessibility regulations establishes requirements for 12 categories of public accommodations, which include stores, restaurants, bars, service establishments, theaters, hotels, recreational facilities, private museums, schools, doctor's and dentists' offices, shopping malls, and other businesses. Nearly all types of businesses that serve the public are included in the 12 categories, regardless of the size of the business or the age of the buildings.

Businesses are required to modify their business policies and procedures when necessary to serve customers with disabilities and take steps to communicate effectively with customers with disabilities.

The accessibility regulations require businesses to remove architectural barriers in existing buildings and make sure that newly built or altered facilities are constructed in such a manner that provides access to persons with disabilities.

Examples of architectural barriers are: steps at entrance to a business, narrow entry door, no landing at doors,

round door knobs, narrow route of travel, steps and steep ramps along the route of travel, small toilet facilities with inadequate maneuverability clearances, inaccessible parking spaces, lack of or inadequate signs, high service counters, narrow merchandise aisles, and narrow check-out aisles, just to name a few.

It is important to note that "grandfather provisions" often found in local building codes do not exempt businesses from their obligations under ADA.



The accessibility regulations apply to all type of businesses and facilities that provide goods and services to the public, including the work area of their employees, like businesses in this strip mall.



Section 11B-202 of the California Building Code specifically addresses accessibility requirements for existing buildings and facilities. The provisions of this section apply to additions, alterations, renovations, and structural repair to existing buildings and facilities. These regulations are also applied to buildings and facilities identified as temporary or qualified historical buildings.



Architectural barriers such as steps, no landing at the door, no clearance on the strike side of the door at entrance to these small businesses are some of the elements which make it impossible for persons with disabilities or mobility impairments to enter and purchase goods or use the services provided.



Providing a code complying ramp and door at entrances to these business establishments have removed architectural barrier elements and made it possible and accessible for persons with disabilities to enter and purchase goods or use the services provided.



5. ACCESSIBILITY FOR EXISTING BUILDINGS

In general, when alterations, additions and structural repair are made to existing buildings and facilities, accessibility provisions shall apply only to the area of proposed work. In addition, the primary path of travel serving the area of proposed work shall be accessible which include:

1. A primary entrance to the building or facility
2. Toilet and bathing facilities serving the area
3. Drinking fountains serving the area
4. Public telephones serving the area
5. Signs

5.1 Exceptions

There are several exceptions to the path of travel accessibility requirements, applicability of which depends on the scope of work being proposed. Here are explanations of a few of those exceptions:

5.1.1 Cost of Compliance Exception

Section 11B- 202.4, Exception 8 of the California Building Code states in part:

1. When the adjusted construction cost is less than or equal to the current valuation threshold,¹ cost of compliance with path of travel elements, as identified above, shall be limited to 20% of the adjusted construction cost of alterations,^{2,3} structural repairs or additions.
2. When the adjusted construction cost exceeds the current valuation threshold¹, compliance of the path of travel elements, as identified above shall be provided by equivalent facilitation or to the extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20% of the adjusted construction cost of alterations, structural repairs or additions.

In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:

¹ Valuation threshold dollar amount as of publication of this document is \$147,863.00 for the year 2015. The dollar valuation threshold is valid for the duration of one calendar year only and will be adjusted on the first of January of each year.

² The cost of alterations for the preceding three years include cost of construction of all alterations which did not provide an accessible path of travel to the area of the proposed alteration.

³ For the purpose of this exception, the adjusted construction cost of alterations, structural repairs or additions shall not include the cost of alterations to path of travel elements required to comply with Section 11B-202.4. The cost of making the area of alterations or remodel accessible is not allowed to be excluded.

1. An accessible entrance
2. An accessible route to the area of alteration, additions and structural repair
3. At least one accessible restroom for each sex or an unisex toilet facility
4. Accessible telephones
5. Accessible drinking fountains, and
6. When possible, additional accessible elements such as parking, storage, alarms, and signs.

5.1.2 Limited Alteration Exception

In accordance with Section 11B- 202.4, Exception 3 of the California Building Code, when the scope of work is limited to the additions or alterations for the purpose of barrier removal in order to meet accessibility requirements consisting of one or more of the following items, such a scope of work will not trigger accessibility upgrade of the path of travel elements. Examples of such work are:

1. Altering one building entrance
2. Altering one existing toilet facility
3. Altering existing elevators
4. Altering existing steps
5. Altering existing handrails

5.1.3 Limited Barrier Removal Alteration Exception

In accordance with Section 11B- 202.4, Exception 4 of the California Building Code, alteration solely for the purpose of barrier removal consisting of one or more of the following items are limited to the actual scope of work of the project and will not trigger an accessibility upgrade of the path of travel elements. Examples of such work are:

1. Installing ramps
2. Making curb cuts in sidewalks and entrance
3. Widening doors
4. Installing offset hinges to widen doorways
5. Installing accessible door hardware
6. Installing grab bars in toilet stalls
7. Rearranging toilet partitions to increase maneuvering space
8. Creating designated accessible parking spaces

For a complete list of types of work, refer to Section 11B-202.4, Exception 4, CBC.

Refer to Section 11B-202.4 for full text of the complete list of exceptions applicable to the existing buildings.

Depending on the specific situation, an alteration of a building or facility may have a 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. Those situations are considered to be technically infeasible to make the alterations comply with applicable accessibility requirements. Therefore an equivalent facilitation shall be provided or comply with the accessibility requirements to the maximum extent feasible.

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



In this existing building, the steep sloped sidewalk makes entries to these businesses somewhat challenging to persons with disabilities.

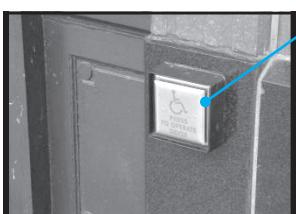
In these examples, providing an accessible entrance may be technically infeasible or cost prohibitive. However, an equivalent facilitation shall be provided or comply with the requirements to the maximum extent feasible to make the entrance accessible.

Ramp, elevator, platform lift, another entrance, buzzer for assistance at the door, are some of the examples of alternative equivalent facilitation which should be explored and considered to provide access to persons with disabilities. These alternatives are subject to approval by the Building Official.



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 Development Services Department.

Where compliance with accessibility requirements is determined to be technically infeasible, providing assistance to persons with disabilities may be considered an acceptable means of equivalent facilitation by the Building Official.



Where doors do not comply with the maximum opening force or the required distance past the strike edge, a power assisted push button may be considered an acceptable means of equivalent facilitation by the building official.





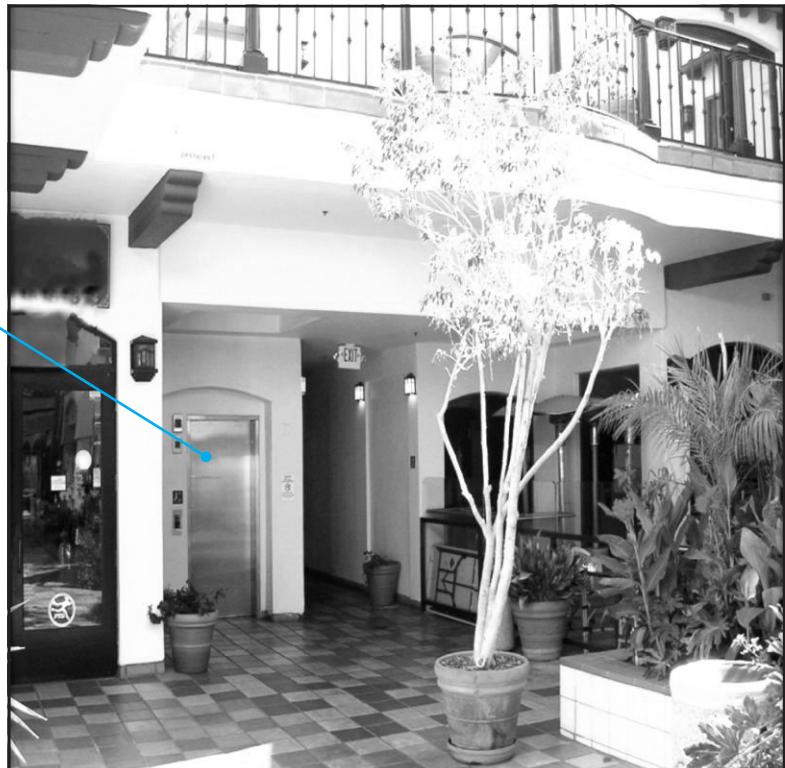
In the examples shown here, a complying platform lift on the accessible route of travel makes all businesses on the lower or upper level of these establishments fully accessible by persons with disabilities.

For detailed requirements, refer to 2013 California Building Code, Sections 11B-206.7 and 11B-410.



Platform lifts may be provided as a component of an accessible route in an existing building or facility, to provide access where existing site constraints or other constraints make use of a ramp technically infeasible.

If platform lifts are provided, they shall not be attendant operated and shall provide unassisted entry and exit from the lift.



Elevators may be provided as an accessible component along accessible route of travel in an existing building or facility, to provide access where existing site constraints or other constraints make use of a ramp technically infeasible.

In this example, a complying elevator on the accessible route of travel makes all businesses on the upper level of this establishment fully accessible by persons with disabilities.

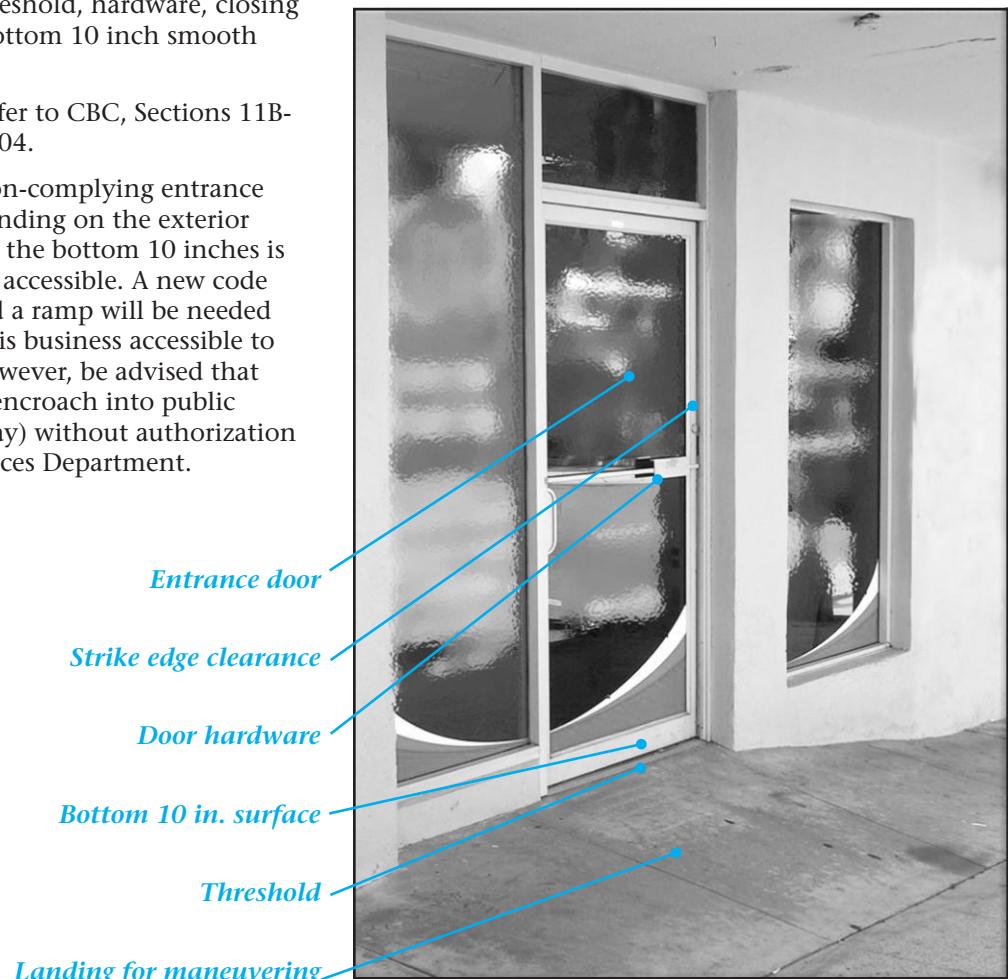
For detailed requirements, refer to 2013 California Building Code, Sections 11B-206.6 and 11B-407.

6. ACCESSIBILITY ENTRANCE

The first element that will provide the greatest access to a business establishment is an accessible entrance. Accessible entrance doors, doorways, and gates shall have a complying clear opening width, height, maneuvering clearances, threshold, hardware, closing speed, opening force, and bottom 10 inch smooth surface.

For detailed requirements refer to CBC, Sections 11B-206.4, 11B-206.5, and 11B-404.

This example illustrates a non-complying entrance door to this business. The landing on the exterior side of this door is not level, the bottom 10 inches is not smooth, and thus is not accessible. A new code complying level landing and a ramp will be needed to provide an entrance to this business 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 Development Services Department.



7. ACCESSIBILITY ROUTE TO THE ALTERED AREA

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. This means that the specific area of alteration or addition and the accessible primary entrance to the building or facility shall be connected together by an accessible path of travel.

When alterations, structural repairs or additions are made to existing buildings or facilities, the term "Path of Travel" also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work.

Interior accessible routes may include corridors, hallways, floors, ramps, elevators and platform lifts.

8. ACCESSIBLE TOILET FACILITIES

The number of fixtures required for male and female toilet facilities is determined by the governing California Plumbing Code (CPC). This depends on the type of occupancy, such as retail store, restaurant, or an office.

After the total numbers of fixtures for male and female toilet facilities are determined, then the facilities must be made accessible and usable by persons with disabilities.



Whether separate toilet facilities for male and female or unisex facilities are provided, they shall be made accessible to persons with disabilities.

For detailed requirements, refer to 2013 CBC, Section 11B-703.7.2.6.

Doorways leading to toilet rooms and bathing rooms shall be identified by a geometric symbol indicating men's, women's, or unisex toilet and bathing facilities.



Accessible toilet and bathing facilities must be large enough for access, maneuverability and have certain components in order to be accessible and usable by persons with disabilities.

Examples of some of these components include the door hardware, door width, door swing, maneuverability clearance dimensions at water closets, urinals and lavatories, grab bars, soap, tissue, toilet paper, sanitary napkin dispensers, mirrors, and floor surfaces.

For detailed requirements, refer to Sections 11B-213 and 11B-603 thru 11B-610.



Controls for faucets shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist.



Water supply and drain pipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.

9. DRINKING FOUNTAINS

Where drinking fountains are provided, they shall be accessible to persons with disabilities.

Where drinking fountains are provided, they shall comply with the location, number, clear floor space, height, depth, protrusion limits, spout height and location, water flow requirements set forth in Sections 11B-211, 11B-307, and 11B- 602 of the governing California Building Code.

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



10. ACCESSIBLE PARKING

When parking is provided to serve a building, accessible parking must also be provided for persons with disabilities. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. For every six or fraction of six

parking spaces, at least one shall be a van accessible parking space.

The accessible parking spaces shall be so located that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own.

For additional requirements, refer to CBC, Section 11B-208.



There must be a detectable warning at entry onto the vehicular way.

There must be a loading/unloading access aisle between two adjacent accessible parking spaces.

Within the loading/unloading access aisle there must be the words "NO PARKING" painted in white letters a minimum of 12 inches in height.

Curb ramps shall not encroach into any accessible parking space or adjacent loading/unloading access aisle.

Existing ramps encroaching into loading/unloading access aisles should be removed.





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.

11. DOORS, DOORWAYS, AND GATES

Doors, doorways and gates providing user passage as entrances to a building or facility, or within a building or facility serving rooms and spaces shall be made accessible to persons with disabilities.

Such manual or automatic doors, doorways and gates shall be on an accessible route meeting the clear width, maneuvering clearances, landing, floor or ground surface, threshold, hardware, opening force, closing speed, bottom 10 inch surface, and vision lights requirements specified in Sections 11B-206.5 and 11B-404 of the California Building Code.



POWER-ASSISTED DOORS
A power-assisted door may be considered an equivalent alternative to strike side clearance and door opening forces required by the governing code.



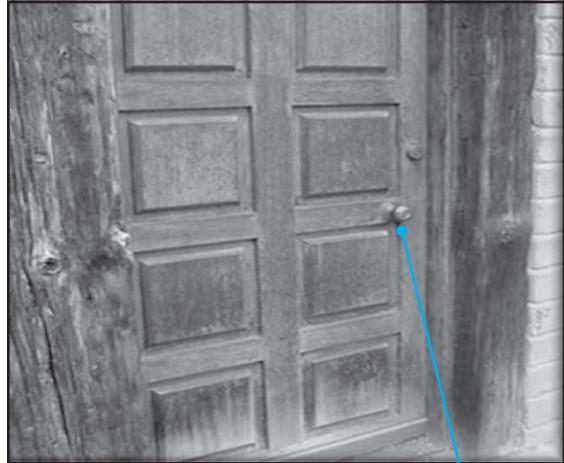
11.1. Door hardware on accessible doors

Hand-activated door opening hardware on accessible doors shall be operable with a single effort by lever-type hardware, panic bars, push-pull activating bars or other hardware designed to provide passage. Handles, pulls, latches, locks and other operating devices shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching or twisting of the wrist to operate.

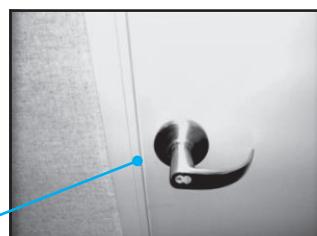
Door opening force: The maximum force required to push or pull open a door shall have a maximum opening force of 5 lbf.



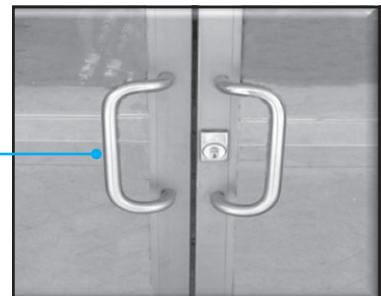
The bottom 10 inches of all doors except automatic and sliding shall have a smooth, uninterrupted surface to allow the door to be opened by a wheelchair footrest without creating a trap or hazardous condition.



The round door knob on this entrance doorway requires tight grasping to operate, thus not acceptable.



Changing the door handle to a lever type or other types of hardware which do not require tight grasping, pinching or twisting of the wrist, as illustrated at right, will remove one of the elements of accessibility barrier.

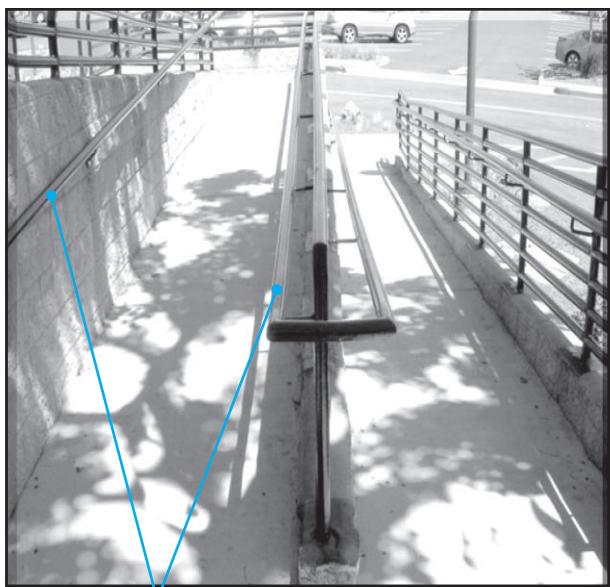


12. RAMPS

When ramps are constructed to make an entrance to a business or facility accessible to persons with disabilities, considerations shall be given to running and cross slopes, floor or ground surfaces, clear width, rise, landings at top and bottom and at change of direction, landing's width and length, handrails and handrail's extensions and edge protections.

Note: At door landings, handrails are not required on ramp runs less than 6 inches in rise or 72 inches in length.

For additional information on ramps, refer to CBC Section 11B-405.



Ramps shall have handrails on both sides.

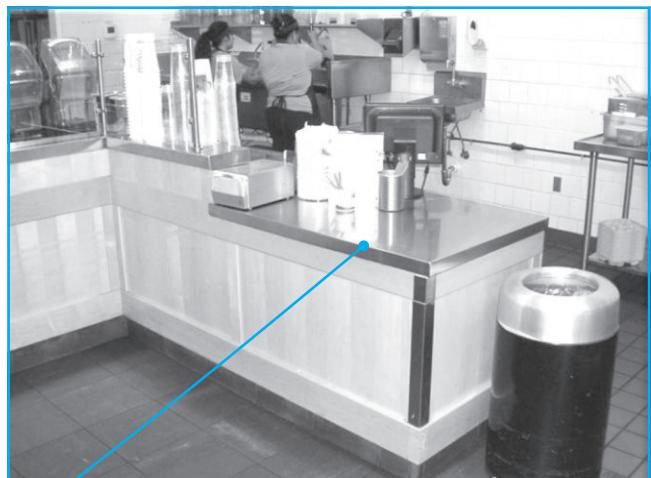
Running slope shall not be steeper than 1:12 (8.33%).

Cross slope shall not be steeper than 1:48 (2.08%)

Ramps shall have landings at the top and bottom.

13. SALES AND SERVICE COUNTERS

Counters at general sales and display areas shall be made accessible to persons with disabilities. Sales employee work stations shall be located on accessible levels, and the customer side of sales or check-out station shall be accessible to persons with disabilities. Employee work areas shall be sized and arranged to provide access to employees in wheelchairs.



A portion of the counter surface that is 36 inches long minimum and 34 inches high maximum shall be provided for customers with disabilities. In addition knee and toe space shall also be provided under the counter for forward approach.

For full text of the accessibility requirements for sales and service counters, refer to Section 11B-227 of the California Building Code.

14. DRESSING, FITTING AND LOCKER ROOMS

Where dressing rooms, fitting rooms, or locker rooms are provided for each sex, at least 5%, but no fewer than one, of each type of use in each cluster provided shall be made accessible to persons with disabilities.

This means path of travel to such rooms, entry doors, turning space, door swing, benches, coat hooks, shelves, and mirrors, shall meet the specific requirements prescribed in Sections 11B-222 and 11B-803 of the California Building Code in order to be accessible by persons with disabilities.



15. RESTAURANT, CAFETERIAS, BANQUET FACILITIES AND BARS

Restaurants, coffee shops, coffee kiosks, sandwich shops, cafeterias, banquet facilities, bars, and similar dining and drinking facilities shall be made accessible to persons with disabilities.

This means that an accessible route shall be provided to all functional areas such as dining area of each type, bar, dancing area, condiment station and self-service areas, toilet facilities, including raised or sunken areas, and outdoor areas, such as sidewalk café's.

Table and chair seating, booth seating, bar seating with stools, are examples of different types of dining.

Many restaurants have one or more types of seating. Seating for persons with disabilities shall be provided for each type of seating and shall be connected to an accessible route.



16. HISTORICAL BUILDINGS

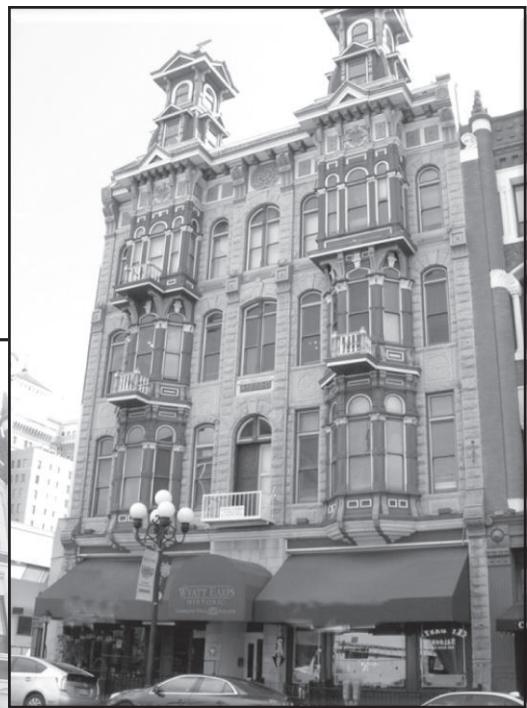
Alterations to existing qualified historic buildings or facilities will trigger compliance with accessibility requirements.

The California Historic Building Code (CHBC) shall apply to every qualified historical building or property that is required to provide access to persons with disabilities.

The purpose of CHBC is to provide alternative regulations to facilitate access and use by persons with disabilities to and throughout facilities designated as qualified historical buildings or properties.

The intent of these regulations is to preserve the integrity of qualified historical buildings and properties while providing access to and use by persons with disabilities.

For the definition of 'Qualified Historical Building' and for full text of the accessibility requirements as applied to qualified historical buildings and properties, refer to the current and governing California State Historical Building Code, Part 8, Title 24, of the California Code of Regulations, Chapter 8-6.



17. AS AN OWNER OF A SMALL BUSINESS, WHAT AM I REQUIRED TO DO?

Now that you have some familiarities with the rules and regulations concerning accessibility of businesses such as: sales, dining and drinking establishments, and service providers, to persons with disabilities, there are certain issues as an owner of a small business you need to be concerned about.

If you are considering leasing a space in an existing building for your business, or if you are thinking about making improvements and/or expanding the area of your current business to suit your or your employees' needs, consider the following:

1. Any proposed new construction will trigger the application of both the Federal (ADA) and State (CBC, Chapter 11B) accessibility regulations. This basically means that if the proposed work requires a building permit, there is a high likelihood that certain elements will be required to be upgraded to

the current governing accessibility requirements of applicable regulations. The cost of these accessibility upgrades should be considered.

2. All areas of new work (additions, structural repair, or altered portions) shall comply with applicable accessibility provisions of both the Federal (ADA) and State (CBC, Chapter 11B) regulations.
3. Subject to applicable exception(s), elements along the primary path of travel to the area of alterations, structural repair, and additions shall be made accessible to persons with disabilities. These elements include:
 - a. An entrance to the building or facility
 - b. A route of travel to the area of alteration, structural repair, or addition
 - c. One restroom facility for male and one restroom facility for female, serving the business. In some cases, a unisex restroom facility may be adequate to serve the business

- d. A public telephone (if provided) serving the business
- e. A drinking fountain (if provided) serving the business
- f. Parking space(s) serving the business
- g. Signs, storage and alarms serving the business

4. The total cost of all alterations undertaken to all spaces along the path of travel to the area of business within the preceding three-year period shall be considered in determining whether the cost of making that path of travel elements accessible is disproportionate.

5. For detailed text of the accessibility requirements, refer to applicable regulations referenced in section under 'Regulations' in this guideline.

In order to determine which element(s) meet the current governing accessibility requirements and which element(s) are required to be upgraded to the current governing accessibility requirements, we strongly recommend that a California licensed architect and/or a California Certified Access Specialist (CASP) be consulted.

18. EXAMPLES

In this section, we will illustrate a few examples of typical projects consisting of interior alterations and additions to tenant spaces used as businesses.

Please note that, the intent here is only to illustrate and highlight awareness of concern considering accessibility requirements of elements. The evaluation of accessibility requirements for an actual construction project will only be made when construction plans are submitted to Development Services Department for purpose of review and issuance of a building permit.

In order to evaluate and determine which element(s) meet or required to be upgraded to the current governing accessibility requirements, we strongly recommend that a California licensed architect and/or a California Certified Access Specialist (CASP) be consulted.

18.1. Examples 1

An individual plans to open a surfboard sale and repair business in a strip mall. This small business owner leases a space in an existing one-story building constructed in the mid 70's. This space is vacant and has only a unisex toilet facility.

The small business owner plans to create additional spaces by constructing non-load bearing partitions to create a storage room for his surfboards and another room used for repair of surfboards. The remaining space will be used as showroom and sales. The total adjusted construction cost of the remodeling and improvements is below the current valuation threshold

dollar amount.

The small business owner wants to know what elements should be considered for compliance with the accessibility regulations.

In this example, the following areas or elements shall be made accessible to persons with disabilities:

1. Show room and sales area
2. New storage room
3. New repair room
4. Path of travel from primary entrance to and within the new areas and to the existing unisex toilet facility.

5. 20% of the total construction cost of remodeling, improvements, and alterations shall be spent in upgrading the following elements to the current governing accessibility requirements in the following order, if not already in compliance:

- a. Primary entry door to the business (including landings)
- b. Unisex toilet facility elements (door, signs, hardware, bottom 10 inch smooth area, threshold, opening force, strike side clearance), inside maneuvering clearance, water closet, flush lever, lavatory, faucets, grab bars, dispensers (soap, toilet paper, seat cover, paper napkin, sanitary napkin), under lavatory pipe insulation, mirror, baby changing station and trash bin
- c. Parking stall serving the business suite
- d. Path of travel from the accessible parking space to the primary entry to the business

18.2. Examples 2

An individual owner of a restaurant plans to remodel the existing dining area and add an outside dining area. There are existing separate toilet facilities for male and female which are not accessible to persons with disabilities. No improvements or remodeling are being proposed to the kitchen and food storage areas of the restaurant.

The total adjusted construction cost of the remodeling and improvements exceeds the current valuation threshold dollar amount.

The restaurant owner wants to know what elements should be considered for compliance with the accessibility regulations.

In this example, the following areas or elements shall be made accessible to persons with disabilities:

1. New inside dining area
2. New outside dining area
3. Path of travel from primary entrance to and within

the new dining areas and to the existing toilet facilities

4. Additional elements:

- a. Primary entry door to the restaurant
- b. Elements of male and female toilet facilities; door (signs, hardware, bottom 10 inch smooth area, threshold, opening force, strike side clearance), inside maneuvering clearance, water closet, flush lever, lavatory, faucets, grab bars, dispensers (soap, toilet paper, seat cover, paper napkin, sanitary napkin, under lavatory pipe insulation, mirror, baby changing station and trash bin)
- c. Parking stall(s) serving the restaurant
- d. Path of travel from the accessible parking space(s) to the primary entry to the restaurant

Exceptions to applicability of accessible provisions may apply.

18.3. Examples 3

An individual plans to open an internet coffee shop in a suite located on the street level of an existing building constructed in mid 70's. This space is vacant and has only a unisex toilet facility.

The small business owner plans to create an additional office space for his use in the rear of the suite by constructing non-load bearing partitions. The unisex toilet facility is not large enough for maneuverability by persons with disabilities. There are three existing steps at the primary front entry to the space. There are on-site parking spaces provided for the customers of this suite. The total adjusted construction cost of the remodeling and improvements is below the current valuation threshold dollar amount.

The small business owner wants to know what elements should be considered for compliance with the accessibility regulations.

In this example the following areas or elements shall be made accessible to persons with disabilities:

1. Five (5) percent (as per current governing 2013 CBC) of the seating area used for internet access and for drinking area.
2. New office space.
3. Path of travel from primary entrance to and within the new areas and to the existing unisex toilet facility.
4. 20% of the total construction cost of remodeling, improvements, and alterations shall be spent in upgrading the following elements to the current governing accessibility requirements in the following order, if not already in compliance:
 - a. Primary entry door to the business. This means that, since existing steps at primary entry have

created a barrier to access and entry to the space by persons with disabilities, this barrier shall be removed by providing a complying ramp or a platform (wheelchair) lift.

- b. Unisex toilet facility elements (door, signs, hardware, bottom 10 inch smooth area, threshold, opening force, strike side clearance), inside maneuvering clearance, water closet, flush lever, lavatory, faucets, grab bars, dispensers (soap, toilet paper, seat cover, paper napkin, sanitary napkin), under lavatory pipe insulation, mirror, baby changing station and trash bin.
- c. Path of travel from the accessible parking space(s) to the primary entry to the suite.

19. FREQUENTLY ASKED QUESTIONS

1. Why do I have to make my business disabled accessible?

Because it is the law. Both the State and Federal accessibility regulations apply to places of public accommodations and commercial buildings. Businesses that provide goods or services to the public are considered "public accommodations." The accessibility regulations require businesses to remove architectural barriers in existing buildings and make sure that newly built or altered facilities are constructed in such a manner that provides access to persons with disabilities.

2. Is it true I could get a waiver from having to comply with accessibility requirements or apply for an unreasonable hardship?

No, this is not true. Both State and Federal accessibility regulations require some degree of upgrade to the accessibility elements. If the adjusted cost of the construction for your project is below the current valuation threshold, you are still required to upgrade certain path of travel elements to the current accessibility requirements at a cost not exceeding 20 percent of the adjusted construction cost.

3. If I comply with the State accessibility requirements, am I obligated to comply with the ADA requirements?

Yes. Your business shall comply with accessibility requirements of both applicable State of California Title 24 (CBC, Chapter 11B) and Federal ADA regulations.

4. Am I required to make the employee work area accessible? I will not have or will not hire disabled persons.

Yes. You are required by law to make the common use circulation paths within employee work areas accessible.

5. Who enforces ADA?

The Americans with Disabilities Act or commonly

known as ADA is a federal civil rights law, regulated and enforced by the Disability Rights Section, Civil Rights Division of the U.S. Department of Justice, through litigation of ADA violation complaints by public against the owner of businesses.

6. If I make alterations solely for the purpose of barrier removal, am I obligated to make additional path of travel elements accessible?

Alteration of certain elements for the sole purpose of barrier removal does not trigger additional upgrade of the path of travel elements. For a complete list of such barrier removal elements refer to CBC, Section 11B-202.4, Exception 4.

7. Where do I find the state accessibility requirements?

The State Accessibility requirements are reprinted in Chapter 11B of the California Building Code (CBC). The CBC is available online to view only. You may access CBC at the following link: www.ecodes.biz/ecodes_support/Free_Resources/2013California/13California_main.html

In order to evaluate and determine which element(s) meet the current governing accessibility requirements, which element(s) are required to be upgraded to the current governing accessibility requirements, and which exceptions apply if any, we strongly recommend that a California licensed architect and/or a California Certified Access Specialist (CASP) be consulted.

8. In order to remove the steps at the front entry to my business, construction of a ramp is not possible due to physical site constraints. What are my other options?

Where it is determined that construction of a ramp is technically infeasible, then other elements providing equal facilitation should be provided. Examples of such elements are a platform (wheelchair) lift or an alternative rear or side entrance that is connected to an accessible path of travel.

9. I have only a few parking spaces on my property and I do not have space to provide an accessible parking space. Could disabled persons park on the street directly in front of my business?

No. City streets are considered public-right-of way and therefore parking spaces are provided to be used by the public in general and not for exclusive use of a business. If a business has parking spaces on its premises for the use of its customers or employees, then a specific number of such parking spaces shall be designed and provided to persons with disabilities for vans and regular vehicles.

10. In order to provide a level landing in front of the accessible primary entry to my business am I allowed to encroach onto the public sidewalk?

No. Sidewalks adjacent to city streets are considered public-right-of way. Any encroachment onto or alteration of the public sidewalks are not allowed unless it is authorized and permitted by the Engineering Division of the Development Services Department.

11. The space I am leasing has only one accessible unisex toilet facility. Am I required to provide additional toilet facilities?

The number of required toilet facilities for male and female and features such as water closets, urinals, lavatories are prescribed in the California Plumbing Code which depends on the type of use, occupancy, and area of tenant space.

Once the quantities of these fixtures are determined and they are required to be made accessible to persons with disabilities in accordance with the applicable provisions of Chapter 11B of the California Building Code and ADA.

12. Can I spend the entire 20% of the adjusted construction cost on upgrading one of the male or female toilet facilities, assuming the primary entrance and the route of travel to the area of alteration are already in compliance?

Yes. However, it is preferred to upgrade the elements in each of the male and female toilet facilities to the current accessibility requirements, equally.

13. We will be spending over the 20 percent of the adjusted construction cost on removing the barrier at the primary entrance and making it accessible. Am I required to upgrade additional path of travel elements such as the toilet facilities?

If the adjusted construction cost of the alteration, addition, or structural repair is equal to or less than the current valuation threshold, then you are only required to spend no more than 20 percent of the adjusted construction cost on accessibility upgrade of the path of travel elements. Once this dollar amount is spent to make an entrance accessible, then you will not be required to spend an additional dollar amount on upgrading additional path of travel elements.

14. How is the “valuation threshold” calculated?

Valuation threshold is an annually adjusted, dollar-amount figure used in part to determine the extent of required path of travel upgrades. The current valuation threshold is determined by multiplying the baseline valuation threshold by a ratio of the current year's January Average Construction Cost Index (CCI) to the baseline January 1981 CCI. The current valuation threshold is established on the first day of January of every year by the California Division of State Architect. The valuation threshold for the year 2015 is \$ 147,863.00 and will be updated again in January 2016.

20. RESOURCES

20.1. City of San Diego

For questions concerning explanation or interpretation of the State of California, Title 24 accessibility requirements as applied to a building or facility contact:

Development Services Department

1222 First Avenue, Third Floor
San Diego, California, 92101

Website: www.sandiego.gov/development-services

20.2. State of California

To view the state accessibility requirements as reprinted in Chapter 11B of the California Building Code (CBC) please use the following link:

www.ecodes.biz/ecodes_support/Free_Resources/2013California/13California_main.html

20.3. ADA Information Resources

For important information about compliance with the current 2010 ADA regulations by small businesses, refer to U.S. Department of Justice, "ADA UPDATE A PRIMER FOR SMALL BUSINESS" at: www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm.

This document provides guidance to assist small business owners in understanding how this new regulation applies to them.

For more information about the revised ADA regulations and 2010 ADA Standards, please visit the Department of Justice's ADA Website or call the toll-free number.

ADA Website

www.ada.gov

ADA Information Line

24 hours a day to order publications by mail.
M-W, F 9:30 a.m. 5:30 p.m., Th 12:30 p.m. 5:30 p.m. (Eastern Time) to speak to an ADA Specialist. All calls are confidential.

800-514-0301 (Voice)

800-514-0383 (TTY)

"Reaching Out to Customers with Disabilities" explains the ADA's requirements for businesses in a short 10-lesson online course (www.ada.gov/reachingout/intro1.htm).

ADA National Network (DBTAC)

Ten regional centers are funded by the U.S. Department of Education to provide ADA technical assistance to businesses, States and localities, and persons with disabilities. One toll-free number connects you to the center in your region:

800-949-4232 (Voice and TTY)

www.adata.org

ADA Requirements - Service Animals:

For information concerning service animals with respect to the Americans with Disabilities Act, please refer to the following links:

www.ada.gov/service_animals_2010.pdf

www.ada.gov/qasrvc.htm

Access Board

For technical assistance on the ADA/ABA Accessibility Guidelines:

800-872-2253 (Voice)

800-992-2822 (TTY)

20.4. Internal Revenue Service

For information on the Disabled Access Tax Credit (Form 8826) and the Section 190 tax deduction (Publication 535 Business Expenses):

800-829-3676 (Voice)

800-829-4059 (TTY)

www.irs.gov