



City of San Diego Development Services Department

Accessibility Guide for Small Businesses



June 2015
Second Edition

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

Table of Contents

1. INTRODUCTION	1
2. DEFINITIONS	2
2.1. Accessibility	2
2.2. Accessible Route	2
2.3. Path of Travel	2
3. ACCESSIBILITY REGULATIONS	2
3.1. State of California	2
3.2. American with Disabilities Act (ADA)	3
4. WHO IS SUBJECT TO THE ACCESSIBILITY REGULATIONS?	3
5. ACCESSIBILITY FOR EXISTING BUILDINGS	6
5.1. Exceptions	6
5.1.1 Cost of Compliance Exception	6
5.1.2 Limited Alteration Exception	7
5.1.3 Limited Barrier Removal Alteration Exception	7
6. ACCESSIBILITY ENTRANCE	12
7. ACCESSIBILITY ROUTE TO THE ALTERED AREA	13
8. ACCESSIBLE TOILET FACILITIES	14
9. DRINKING FOUNTAINS	16
10. ACCESSIBLE PARKING	17
11. DOORS, DOORWAYS, AND GATES	19
11.1. Door hardware on accessible doors	20
12. RAMPS	21
13. SALES AND SERVICE COUNTERS	22
14. DRESSING, FITTING AND LOCKER ROOMS	23
15. RESTAURANT, CAFETERIAS, BANQUET FACILITIES AND BARS	24
16. HISTORICAL BUILDINGS	25
17. AS AN OWNER OF A SMALL BUSINESS, WHAT AM I REQUIRED TO DO?	26
18. EXAMPLES	27
18.1. Examples 1	27
18.2. Examples 2	28
18.3. Examples 3	29

19. FREQUENTLY ASKED QUESTIONS	30
20. RESOURCES	33
20.1. City of San Diego.....	33
20.2. State of California	33
20.3. ADA Information Resources	33
20.4. Internal Revenue Service.....	34

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.gov/regs2010/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.

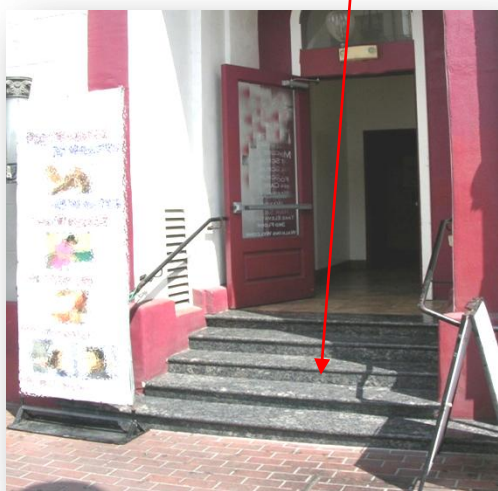
The accessibility regulations apply to all type of businesses and facilities that provide goods and services to the public, including the work area of their employees, like businesses in this strip mall.



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 threshold¹, 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. 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 a unisex toilet facility
4. Accessible telephones
5. Accessible drinking fountains, and
6. When possible, additional accessible elements such as parking, storage, alarms, and signs.

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.

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:

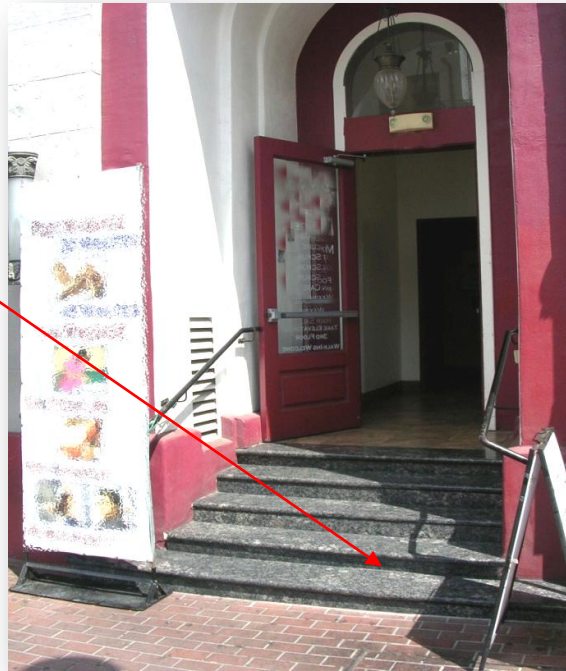
1. Installing ramps
2. Making curb cuts in sidewalks and entrance
3. Widening doors
4. Installing offset hinges to widen doorways
5. Installing accessible door hardware
6. Installing grab bars in toilet stalls
7. Rearranging toilet partitions to increase maneuvering space
8. Creating designated accessible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



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.



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 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.

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.



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.

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.

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.



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

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.

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.

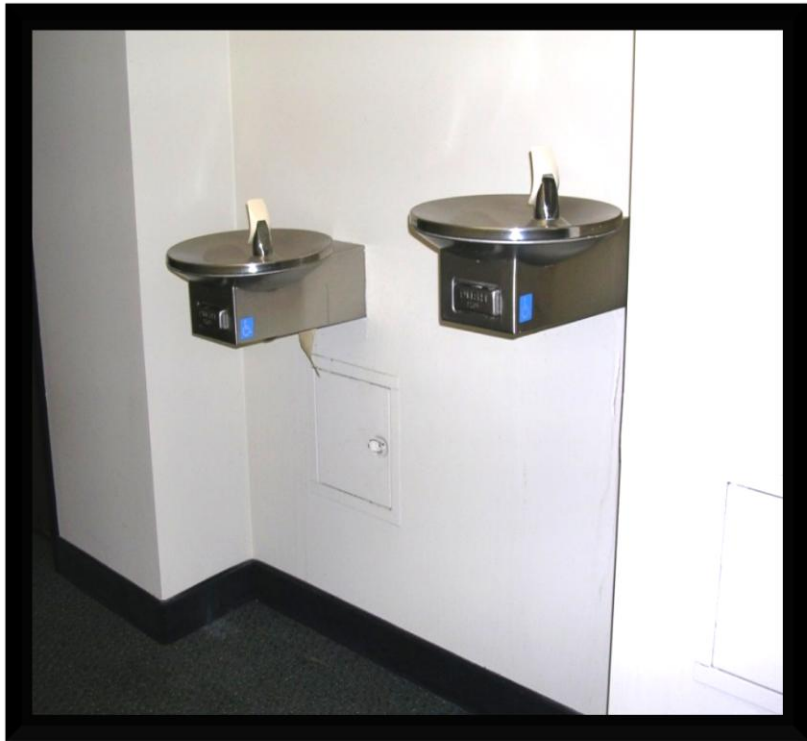
For detailed requirements, refer to Sections 11B-213 and 11B-603 thru 11B-610.



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.



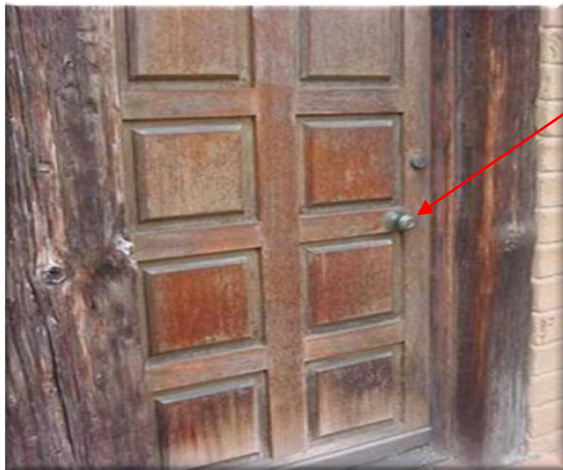
POWER-ASSISTED DOORS

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.



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

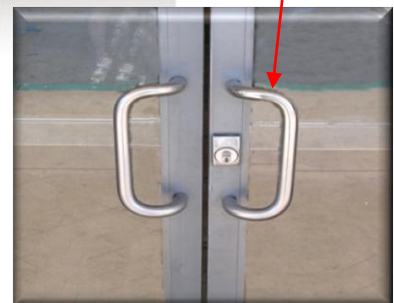
Changing the door handle to a lever type or other types of hardware which do not require tight grasping, pinching or twisting of the wrist, as illustrated below, will remove one of the elements of accessibility barrier.



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.



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.



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.

Ramps shall have handrails on both sides.



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 types 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/gasrvc.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