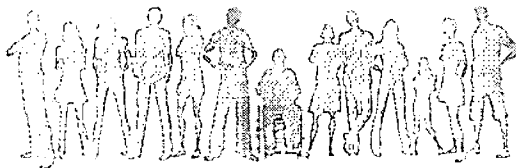


Accessible Design Through Knowledge and Understanding

Not Everything That's Painted Blue is Accessible!

Retail Commercial Facilities



PRESENTER:

GREG IZOR,
AIA, NCARB, CASP
760. 489. 5892

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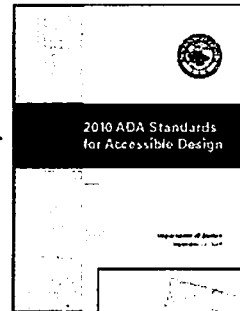
© IZOR AND ASSOCIATES, INC. 2018

168K
is max
to allow
20% rule

Access Law Overview

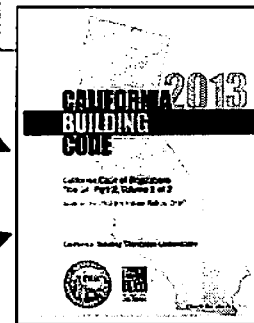
🧠 Federal Law: ADA

- All Projects and "Programs"
- No "Grandfathering" available!
- Not a Building Code



🧠 State Laws: CBC

- Any facility for State use or funded in part or in whole with State funding.
- DSA has Jurisdiction to issue Interpretations and Policies



🧠 Local Laws: Adoption of CBC (Most Cities and Counties)

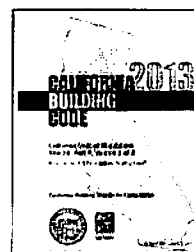
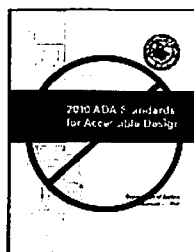
- Any Public Accommodation
- Open to Building Officials Interpretation

3

Access Law Overview (continued)

🧠 Local Ordinances:

- 🧠 Based on CBC and Admin. Code, Title 24
- 🧠 Adopted by Local Government
- 🧠 Local Building Official has discretionary powers of interpretation.
- 🧠 Will not review "2010 ADA Requirements". A building permit may not guarantee Federal ADA Compliance.



4

SB 1608

Senate Bill 1608 Summary:

- A. Requires ADA Continuing Education for Architects and Building Officials/Inspectors
- B. Requires Building Department to have CASp on staff (or contracted)
- C. Allows qualified defendant with CASp Inspection Report to request immediate 90 day stay of proceedings and an early evaluation conference to settle the claim
- D. Requires plaintiff to notify defendant of legal rights
- E. Creates CCDA "California Commission on Disabled Access"
- F. Eliminates "Dollars for Doorknobs" of \$4000 for each violation

SB 1186

Senate Bill 1186 Partial Summary:

- A. ~~Allows 30 days to fix minor violations and then reduces the statutory damages from \$4,000 to \$1,000.~~
- B. ~~CASp Report allows for 60 days to fix minor violations and then reduces the statutory damages from \$4,000 to \$1,000.~~
- C. Requires disclosure to tenants when a new lease is executed or an existing lease renewed whether a CASp report has been completed on the facility.
- D. Ban on demands for money and new rules for demand letters.
- E. New court filing fee of \$1000 to anyone filing more than 10 ADA lawsuits a year.



SB 269

Senate Bill 269 Partial Summary:



- A. Allows any business with 50 or fewer employees that has hired a CASp and has been inspected for ADA access compliance, 120 days from the date of the CASp inspection to correct any ADA violation specified, without statutory penalties. Claims for actual damages and injunctive relief are excluded from the 120 day moratorium.
- B. Allows any small business 15 days from date of written notice or lawsuit to correct certain ADA violations, without statutory penalties, limited to:
 - 1. Outside and interior signage issues
 - 2. Parking lot paint stripe color and/or condition
 - 3. Detectable warning surfaces

Claims for actual damages and injunctive relief are excluded from the 15-day moratorium.

SB 269

Senate Bill 269 Partial Summary:



- A. Allows any business with 50 or fewer employees that has hired a CASp (Certified Access Specialist) and has been inspected for ADA access compliance, 120 days from the date of the CASp inspection to correct any ADA violation specified, without statutory penalties. Claims for actual damages and injunctive relief are excluded from the 120 day moratorium.
 - 2. Allows any small business 15 days from date of written notice or lawsuit to correct certain ADA violations, without statutory penalties, limited to:
 - a. Outside and interior signage issues
 - b. Parking lot paint stripe color and/or condition
 - c. Detectable warning surfaces
- Claims for actual damages and injunctive relief are excluded from the 15-day moratorium.

CASp and SB 1608



CASp, Certified Access Specialist program

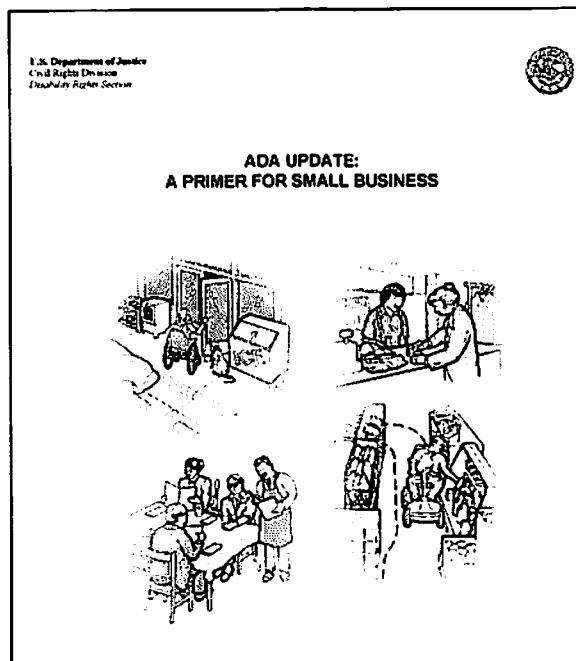
- ♦ CASp is able to issue CASp Inspection Reports and State Numbered Certificate for a facility.
- ♦ Two Types of Determinations:
 - “Meets All Applicable Standards”, no barriers to the disabled.
 - “CASp Inspected”, barriers exist and will be removed by a specific date determined by Owner based on facility finances.
 - A Certificate will be issued under **both** Determinations.

SB 1608 and CASp Advantages

- Advantages to Owners and Tenants:
 - State and Federal Judges and Attorneys are looking forward to CASp Inspections to facilitate settlements.
 - SB 1608 Eliminates the “Dollars for Doorknobs” Multiple Damages.
 - Owners and Tenants will receive notice of their legal rights when a law suite is filed.
 - State Court’s to provide a “Self-help” website to help reduce legal costs for Defendants.
 - Accessible facilities will increase the number of customers.

Resources:

[HTTP://WWW.ADA.GOV/REGS2010/SMALLBUSINESS/SMALLBUSPRIMER2010.HTM](http://www.ada.gov/REGS2010/SMALLBUSINESS/SMALLBUSPRIMER2010.HTM)



Economic Advantages

[HTTP://WWW.ADA.GOV/REGS2010/SMALLBUSINESS/SMALLBUSPRIMER2010.HTM](http://www.ada.gov/REGS2010/SMALLBUSINESS/SMALLBUSPRIMER2010.HTM)

More than 50 million Americans – 18% of our population – have disabilities, and each is a potential customer.

People with disabilities are living more independently and participating more actively in their communities. They and their families want to patronize businesses that welcome customers with disabilities.

In addition, approximately 71.5 million baby boomers will be over age 65 by the year 2030 and will be demanding products, services, and environments that meet their age-related physical needs.

Studies show that once people with disabilities find a business where they can shop or get services in an accessible manner, they become repeat customers.

Readily Achievable Barrier Removal

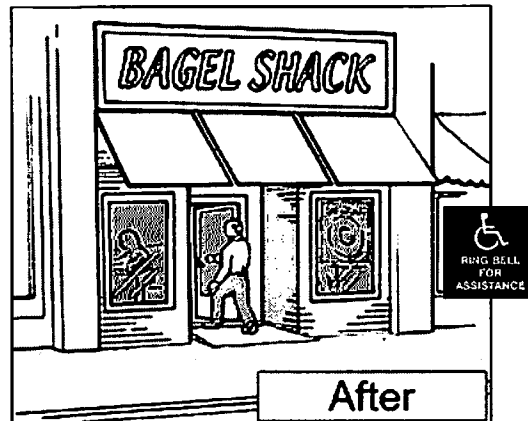
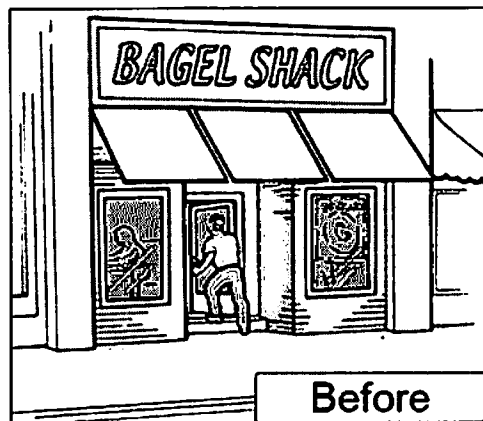
The ADA requires that small businesses remove architectural barriers in existing facilities when it is **"readily achievable"** to do so.

Readily achievable means **"easily accomplishable without much difficulty or expense."**

This requirement is based on the size and resources of a business. So, businesses with more resources are expected to remove more barriers than businesses with fewer resources.

Readily Achievable Barrier Removal

Removing barriers, such as a step to an entrance, is required when readily achievable.



For example; where there is not enough space to install a ramp with a slope that complies with the Standards, a business may install a ramp with a slightly steeper slope. However, any deviation from the Standards must not pose a significant safety risk.

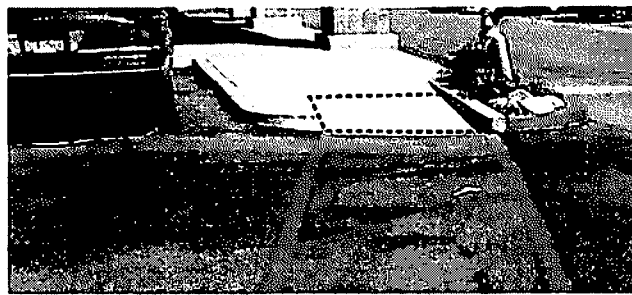
Common Mistakes and Violations

These types of signs don't help!



15

Common Mistakes and Violations



Detectable Warning Devices warn visually impaired persons that they are entering a dangerous vehicular area:

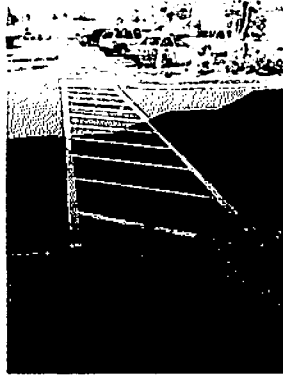
- ♦ Locate at any flush or ramped entrance to a vehicular way.



*Truncated
Domes*

16

Common Mistakes and Violations



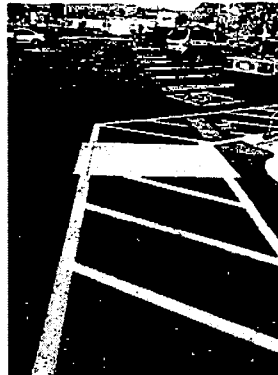
Correct Installation

DWD or Truncated Domes:

- ♦ Locate at any flush or ramped entrance to a vehicular way.

DWD or Truncated Domes:

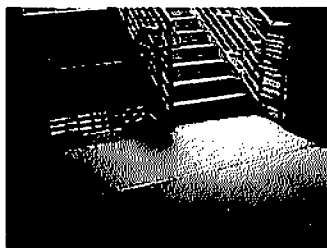
- ♦ Not at each crossing of a driveway as shown below...



Wrong Installation!

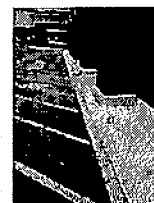
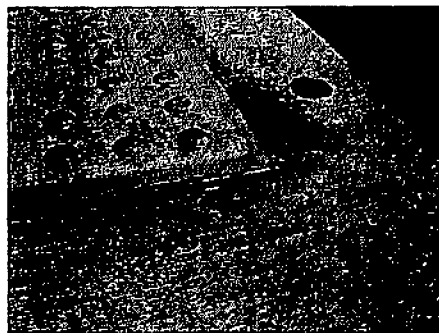
17

Common Mistakes and Violations



Truncated Domes:

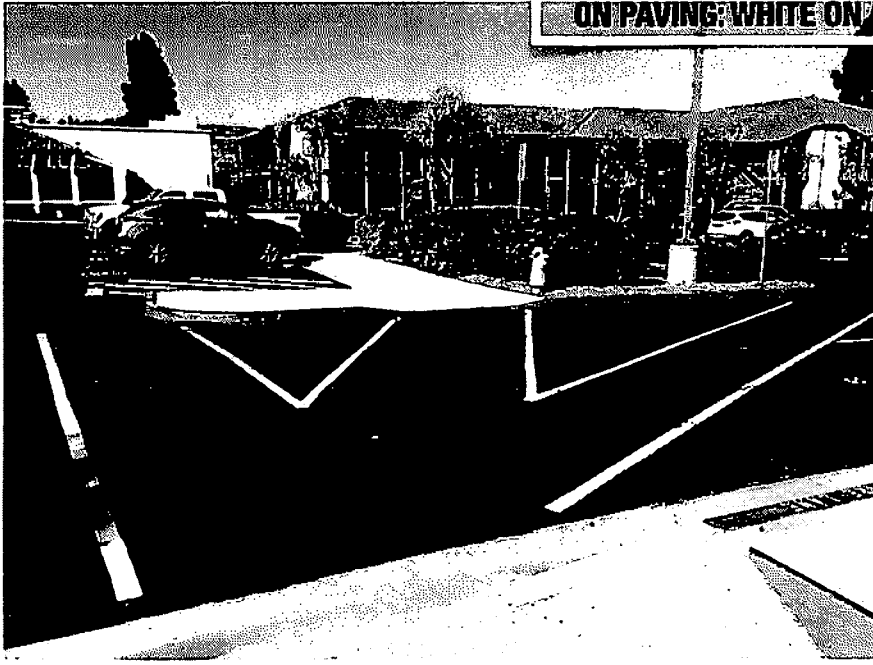
- ♦ Proper installation is important!
- ♦ Installed incorrectly the edges can become a trip hazard and a maintenance nightmare.
- ♦ Some types must be recessed into the concrete paving.
- ♦ Some can be applied over existing asphalt.



18

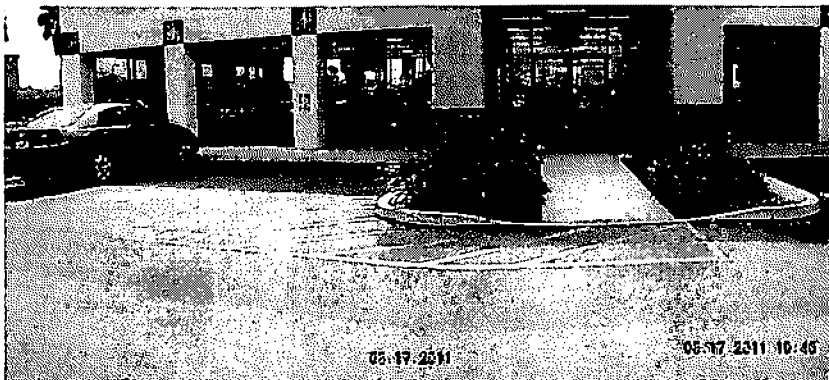
Parking

**CONTRASTING COLORED STRIPES
ON PAVING: WHITE ON ASPHALT**



19

Common Mistakes and Violations



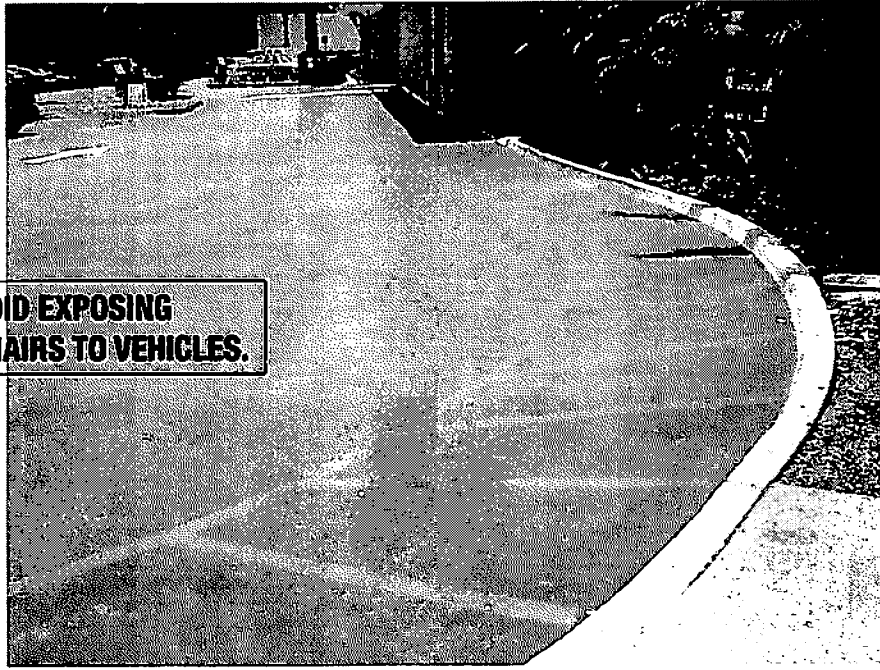
Parking Access:

- ♦ Don't route the wheelchair access into traffic.
- ♦ Keep wheelchair routes out of the vehicular way.
- ♦ Above photo is "code optional" but not advisable.

20

Common Mistakes and Violations

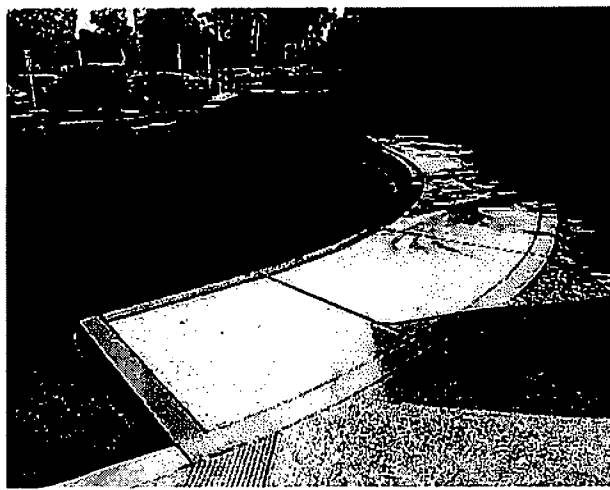
**AVOID EXPOSING
WHEELCHAIRS TO VEHICLES.**



21

Common Mistakes and Violations

**A SAFE PATH OF
TRAVEL ALONG THE
VEHICULAR WAY**



**AVOID EXPOSING WHEELCHAIRS TO VEHICLES.
A BARRIER SHOULD BE PROVIDED WHEN
TRAVELING PARALLEL TO TRAFFIC.**

22

Common Mistakes and Violations



Curb Ramps Projecting into Parking Access Aisle:

- ♦ Not allowed.
- ♦ Common to older projects.
- ♦ Allowed under previous codes.
- ♦ Will be subject to ADA violation.

23

Common Mistakes and Violations



Curb Ramps Projecting into Parking Access Aisle:

- ♦ Above is a common solution.
- ♦ Provide a ramp down in line with the sidewalk.

24

Common Mistakes and Violations



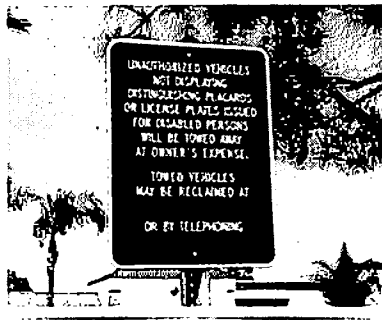
each
space

Parking Identification Signage:

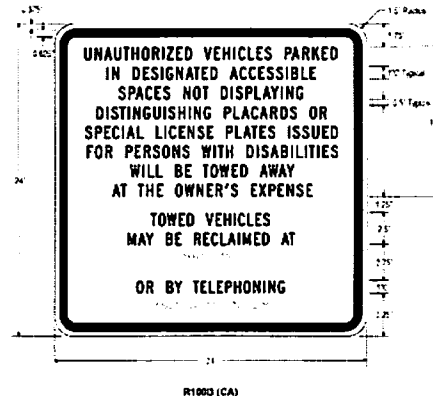
- ♦ \$250 Minimum Fine Signage Required at ALL spaces.
- ♦ Wrong signage often installed by uninformed paving contractors.
- ♦ Litigation can follow "bad" signage.

25

Common Mistakes and Violations



Old Signage



New Signage

Visible
each space
- or
each
entrance

Entrance Tow-away Signage:

- ♦ New entrance signage required.
- ♦ Color Requirement; Black on Reflectorized White
- ♦ Two entrances and one disabled space? One sign at the space.

26

Is This Legal Parking?



27

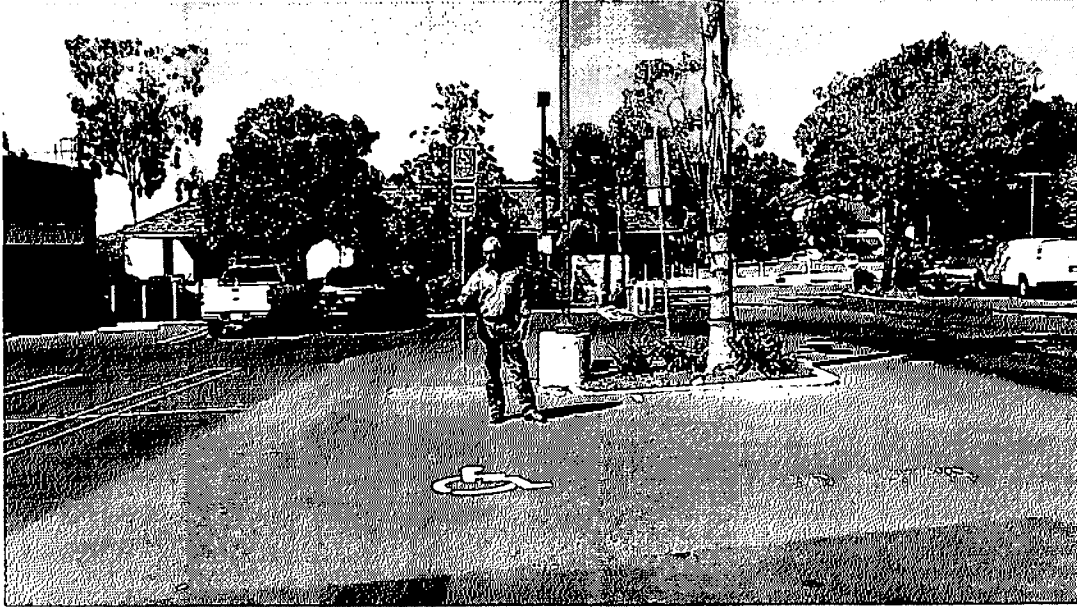
Common Mistakes and Violations



POSSIBLE.

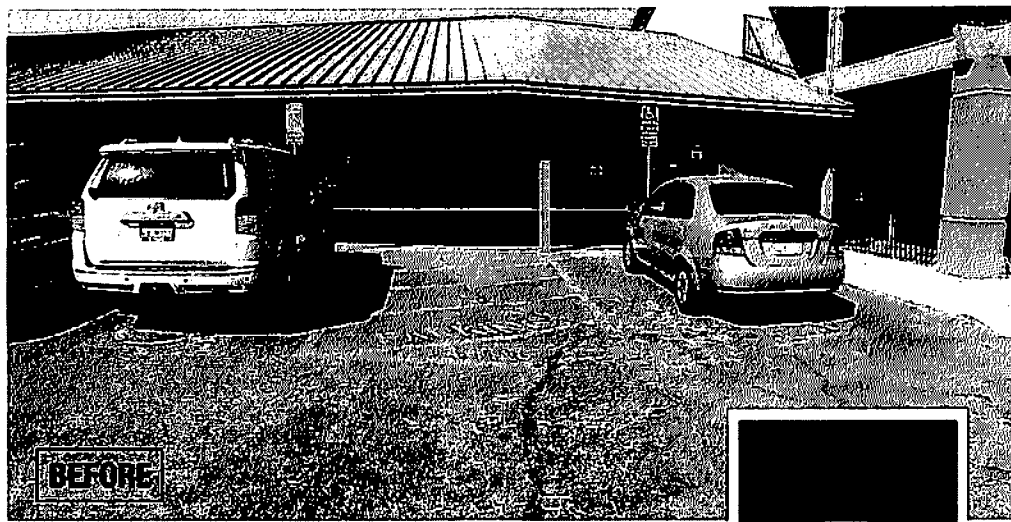
28

Common Mistakes and Violations



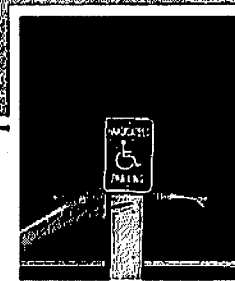
29

Common Mistakes and Violations



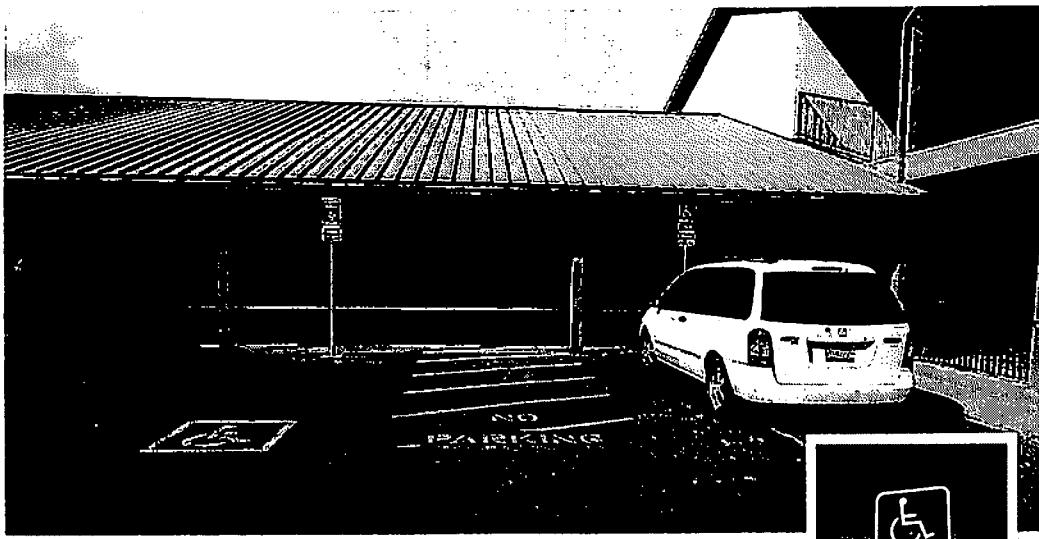
Disabled Parking:

- ♦ Pavement Marking and Signage.



30

Common Mistakes and Violations



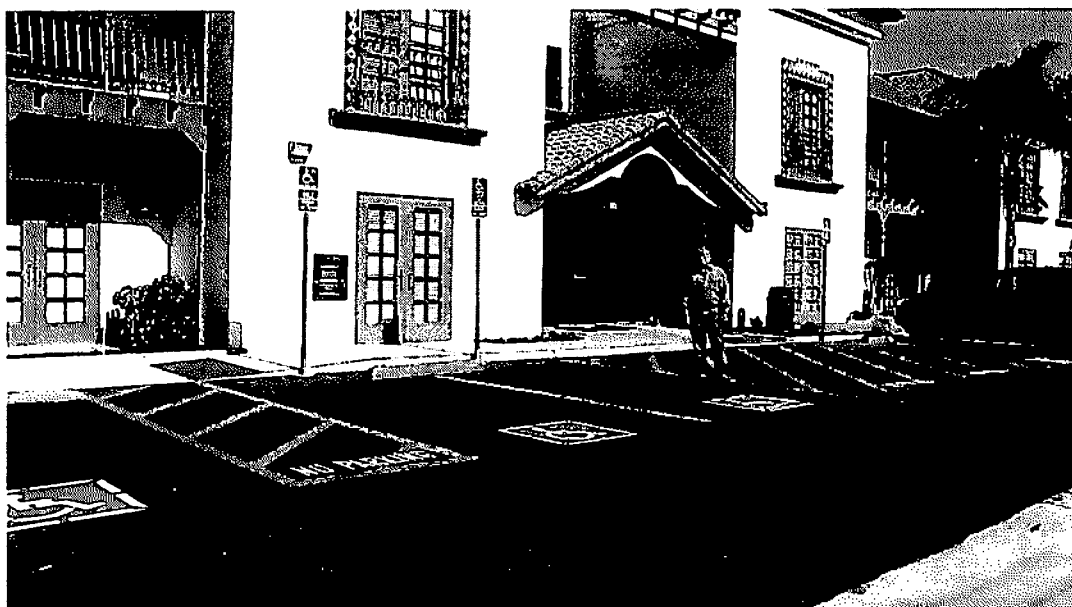
🚗 Disabled Parking:

- \$1,500 fixed the issues of the litigation.
- The settlement was much more; \$20,000 in legal fees alone!



31

Common Mistakes and Violations



32

Sample CASp Report

PROJECT SUMMARY


Client: Messner Jacquart, Christy Mowbrs
Prepared by: Lior and Associates, Inc.; Greg Lior, CASp 014
Site Name & Location: Winchester Market Place, Temecula, CA
Scope of Review: Parking and Exterior Path of Travel Only, No Interior Tenant Spaces
Date of Site Review: 03-18-2011
Date of Draft Report: 04-01-2011
Date of Final Report: TBD CASp Determination: Pending
CASp Certificate No.: 00128 CASp Certificate Date: TBD



Zor and Associates, Inc.

1. Accurately identify the problem
 2. Identify the problem
 3. Identify the problem
 4. Identify the problem

Report

ITEM	PHOTO or DIAGRAM	MITIGATION MEASURE	Est. #	SCHEDULE
A. Parking A1 The "low entry" signage at both entrances to the parking lot is not compliant 1 The color and wording of the signage is not compliant 2 There is no redemption information listed on the signage		<p>Provide a Separate sign with black letters on white a background, at each entrance of the parking lot mounted at 60 inches high minimum listing</p> <ul style="list-style-type: none"> * Unauthorized vehicles parked in designated accessible spaces not displaying appropriate placards or license plates issued for persons with disabilities may be towed away at owners expense Towed vehicles may be redacted at _____ or by telephoning _____ * Stank spaces are to be filled in with appropriate information as a permanent part of the sign * Failure to include the redemption information will result in non-compliance violation <p>(See Appendix A 9)</p>		

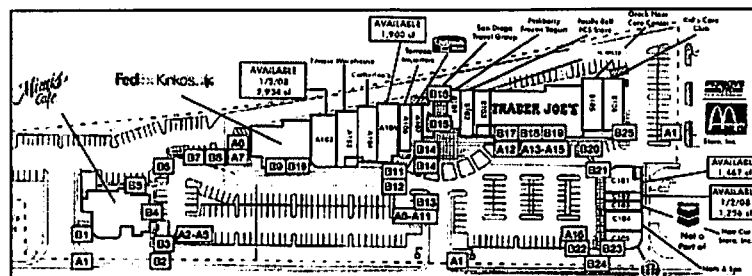
Drate: 04-01-2011, Winchester Market Place, Torrville, CA

1 of 24

Sample CASp Report

ITEM	PHOTO or DIAGRAM	MITIGATION MEASURE	Est. \$	SCHEDULE
------	------------------	--------------------	---------	----------

C. Site Diagram with Key Notes



End of Report

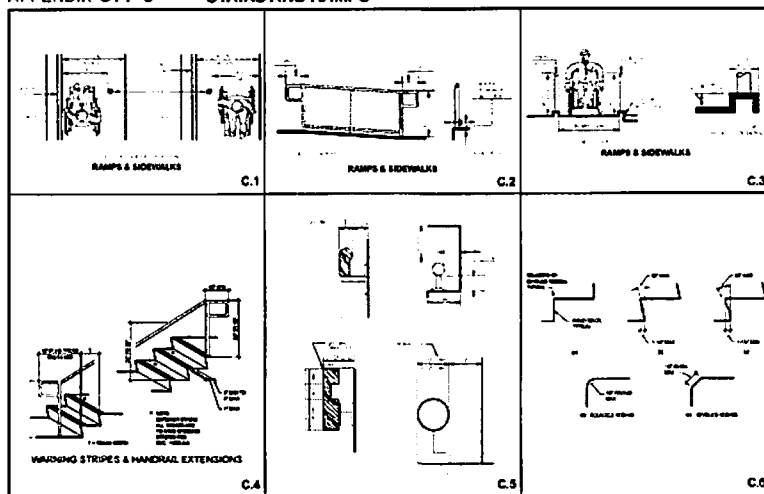
Draft 04-01-2011, Winchester Market Place, Tempe, AZ, CA

24 of 24

Sample CASp Report

APPENDIX C.1-6

STAIRS AND RAMPS



Draft: 04-01-2011, Winchester Market Place, Torrance, CA

E

Accessible Design Through Knowledge and Understanding

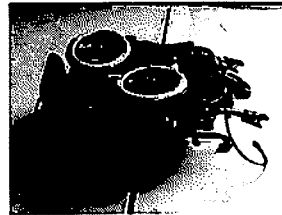
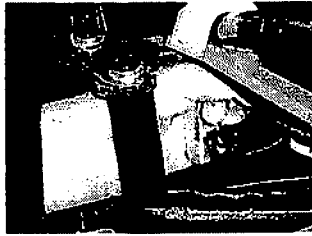
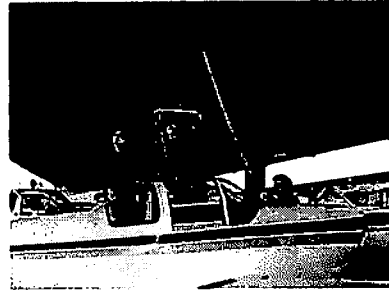
*IF WE DO OUR PART IN REMOVING
BARRIERS TO THE DISABLED...
WHAT COULD DISABLED INDIVIDUALS
DO WITH THEIR LIVES?*

COULD A QUADRIPELEGIC FLY A PLANE?

Removing Limits to the Disabled



KIM BLACKSETH, PILOT



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Thank you for your time!

Questions?



IZOR AND ASSOCIATES, INC.
760-489-5892
WWW.IZORARCH.COM

