

DSA Access Compliance Policies

DSA – 2011 CALIFORNIA ACCESS COMPLIANCE REFERENCE MANUAL POLICIES

Introduction

Section 3 – Policies: The policies indicated in this manual address those aspects of DSA's plan and construction review program that are not clearly addressed by code. These policies are applicable to projects within the jurisdiction of DSA.

DSA Access Compliance Policy Index

Policies are numbered sequentially within the original year of issue. Example: "94-10" is the tenth policy issued in 1994. Missing numbers indicate policies that are not access-related.

Policy Number	Status/Title of Policy
94-01	Superseded by 96-01 Application of Existing Building Requirements in Seismic Upgrade of Unreinforced Masonry Buildings, Repair of Earthquake Damage, or Emergency Retrofit for Seismic Safety, Etc.
94-02	<i>Formally Deleted 2/10/96</i> Accessibility Requirements for Emergency Portable Classrooms at School Sites with Seismic Damage at El Camino Senior High School
94-03	<i>Formally Deleted 8/10/95</i> Accessibility Requirements for Emergency Portable Classrooms at School Sites with Seismic Damage
94-04	<i>Formally Deleted 10/01/98</i> Accessibility Requirements for Projection Booths or Rooms in Non-Teaching Accommodations
<u>94-05</u>	Revised 8/25/05 Accessibility at Exit-Only Doors
<u>94-10</u>	Revised 8/25/05 Resurfacing, Restriping, and Alterations of Parking Lots
94-13	<i>Formally Deleted 8/25/05</i> Accessibility Requirements for Seismic Safety Enhancement and Repair at School Sites with Damage
94-15	<i>Formally Deleted 4/01/98</i> Recommended Dimensions for Accessibility in Toilet Facilities for Children
94-16	<i>Formally Deleted 8/25/05</i> Portable Classrooms: Existing Handrails on Existing Relocated Portables
94-18	<i>Formally Deleted 8/25/05</i> Ramp Landing Clearances at Doors
<u>94-22</u>	Revised 8/25/05 Reconstruction After Fire Damage
95-01	<i>Superseded by DSA IR A-10 11/16/05</i> Public School Alteration Projects (Under \$20,000)

Policy Number	Status/Title of Policy
95-02	<i>Formally Deleted 8/25/05</i> Single Room Occupancy – Hotels
95-05	<i>Formally Deleted 8/25/05</i> Residential Elevators in Commercial Buildings
95-06	<i>Formally Deleted 8/25/05</i> Home Business Accessibility (DSA Jurisdictional Only)
95-07	<i>Formally Deleted 8/25/05</i> Seismic Upgrade in Hospitals
95-08	<i>Formally Deleted 8/25/05</i> Counters – Food Preparation Facilities
<u>95-09</u>	Revised 8/25/05 Accessible Seating at Fixed Counters
95-10	Superseded by 96-01 DSA Seismic Policy on Seismic Upgrade Projects
<u>96-01</u>	Revised 8/25/05 Seismic Upgrade Projects
96-04	<i>Formally Deleted 8/25/05</i> Elevator Call Button-Mounting Height
96-05	<i>Formally Deleted 3/31/00</i> Modernization Program
96-06	<i>Formally Deleted 8/25/05</i> Fire Repair Construction
96-08	<i>Formally Deleted 1/01/00</i> Equivalent Facilitation
96-09	<i>Formally Deleted 1/21/00</i> Alternate Methods
<u>96-10</u>	Revised 12/30/96 Handrails at Steps
<u>97-01</u>	Revised 8/25/05 Unisex Toilet Rooms

Policy Number	Status/Title of Policy
<u>97-02</u>	Revised 4/05/00 Permit Extensions
<u>97-03</u>	Revised 6/05/97 Interim Disabled Access Guidelines for Electrical Vehicle Charging Stations
97-04	<i>Formally Deleted 8/25/05</i> Engineered Wood Product at Playground Equipment
97-05	<i>Formally Deleted 8/25/05</i> Detectable Warning Domes at Curb Cuts Required by Federal Law to be Flushed at the Lip
<u>97-06</u>	Revised 4/05/00 Parking Ticket Dispensers
97-07	<i>Formally Deleted 8/25/05</i> Manufactured Ramps for Relocatable Buildings
97-11	<i>Formally Deleted 8/25/05</i> Over-the-Counter Approvals for Existing Restrooms
97-12	<i>Formally Deleted 8/25/05</i> Access Code Adoption to the Metric System
98-01	<i>Formally Deleted 8/25/05</i> Special Access (Wheelchair) Lifts
98-02	<i>Formally Deleted 6/15/09</i> Two-Story Relocatable Classrooms Project
98-03	<i>Formally Deleted 9/11/02</i> Modernization Program
<u>98-04</u>	Revised 4/05/00 Accessibility Requirements in Group I Occupancies
<u>98-05</u>	Revised 3/16/00 Folding Bleachers Accessible Seats
98-06	<i>Formally Deleted 8/25/05</i> Signs
<u>98-07</u>	Revised 8/25/08 Assembly Seating

Policy Number	Status/Title of Policy
98-08	<i>Formally Deleted 1/12/00</i> Window Hardware
<u>99-01</u>	Revised 3/10/00 Special Education Relocatable Classrooms
<u>99-02</u>	Playgrounds (Being Revised)
99-03	<i>Formally Deleted 10/1/99</i> No Title
99-05	<i>Formally Deleted 8/25/05</i> Application for Unreasonable Hardship Exception
99-06	<i>Formally Deleted 8/25/05</i> Residential Care Facility
99-07	<i>Formally Deleted 8/25/05</i> Toilet Paper Dispensers at Accessible Stalls
<u>99-08</u>	Revised 1/01/00 Door Stops and Other Floor-Mounted Obstructions
99-09	<i>Formally Deleted 10/01/99</i> Waivers
<u>99-09.1</u>	Supersedes 99-09 Waivers
<u>00-01</u>	Revised 8/25/05 Self-Evaluation and Transition Plan
00-02	<i>Formally Deleted 8/25/05</i> Acceptance of Construction Documents Policy

ACCESSIBILITY AT EXIT-ONLY DOORS

94-05

Reference: 2001 California Building Code Sections 1114B.2.1, 1133B.1.1.1.1
& 1134B.2

Effective 3-1-94
Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: California Building Code (CBC) Section 1114B.2.1 states: “In buildings or portions of buildings required to be accessible, accessible means of egress shall be provided in the same number as required for exits by Chapter 10.” CBC Section 1133B.1.1.1.1 states: “All entrances and exterior ground floor exit doors to buildings and facilities shall be made accessible to persons with disabilities.” Exit-only doors (doors without entry hardware) are not specifically mentioned.

Resolution: In new construction, all entrances and ground floor exit doors shall be made accessible for persons with disabilities. Exit-only doors (doors without entry hardware) are required to be accessible and *egressible* in the direction of egress for people with disabilities, with the following three (3) exceptions:

1. Exits are not required to be accessible when an area for evacuation assistance is provided. Areas of evacuation assistance are not required in buildings or facilities having a supervised automatic sprinkler system.
2. Exterior ground-floor exits serving smoke-proof enclosures, stairwells, and exit doors servicing stairs only, need not be made accessible.
3. Exits in excess of those required and which are more than 24 inches (610 mm) above grade are not required to be accessible. These doors shall have signs warning that they are not accessible.

In existing buildings, when provisions of CBC Section 1134B.2 apply, there are no requirements for an *egressible* route other than the primary entrance.

RESURFACING, RESTRIPIING, AND ALTERATIONS OF PARKING LOTS

94-10

Reference: California Government Code Section 4451(c)

Effective 6-13-94
Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: Construction approvals are sometimes not required when existing parking lots undergo resurfacing, restriping, and alterations. When approvals are not required, there may be some confusion about whether compliance with California Building Code accessibility regulations is required. California Government Code Section 4451(c) states in part: “With respect to buildings, structures, sidewalks, curbs, and related facilities not requiring a building permit, building standards published in the California Building Standards Code relating to access for persons with disabilities and other regulations adopted pursuant to Section 4450, and in effect at the time construction is commenced shall be applicable.”

Resolution: When construction approvals are not required for resurfacing, restriping, or alterations of parking lots, compliance with the California Building Code is required and accessible parking shall be provided. Building standards in effect at the time construction begins shall be applicable for resurfacing, restriping, or alterations of parking lots.

RECONSTRUCTION AFTER FIRE DAMAGE

94-22

Reference: 2001 California Building Code Sections 1134B.2
Americans with Disabilities Act Title III Regulation, 28 CFR Part 36,
Section 36.402(b)

Effective 11-4-94
Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: In the past, reconstruction work after fire damage was often limited to “as built” replacement of materials as required by the codes in effect at the time of the original construction. However, current federal ADA Standards and California Building Code regulations may require the scope of work to extend outside the fire damage area to provide required accessible features.

Americans with Disabilities Act (ADA), Title III Regulation, 28 CFR Part 36, Section 36.402(b) defines an alteration as “a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof”. The term alteration includes remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. A US Department of Justice interpretation dated August 26, 1998, indicates reconstruction after a fire is considered an “alteration”.

When alterations, structural repairs or additions are made to existing buildings or facilities, California Building Code Section 1134B.2 indicates that projects shall comply with all applicable accessibility regulations. These regulations apply to the area of specific alteration, structural repair or addition, as well as, the primary entrance to the building or facility and the primary path of travel to the specific area of alteration, structural repair or addition including sanitary facilities, drinking fountains, signs, and public telephones serving the area.

Resolution: This interpretation emphasizes the provisions of current federal and state regulations as they apply to reconstruction work after fire damage. Reconstruction after a fire is considered an alteration, and such alteration work shall comply with all applicable accessibility regulations. On projects under DSA jurisdiction: (1) reconstruction work in the specific area of fire damage shall comply with all applicable accessibility regulations for new construction, and (2) the obligation to provide an accessible primary entrance to the building or facility and primary path of travel to the specific area of alteration, including sanitary facilities, drinking fountains, signs, and public telephones shall be met.

The Office of Public School Construction, which approves funding for fire damage reconstruction projects at state funded facilities, has been made aware that they must fund these additional project requirements. Also, school district officials should be aware that insurance policies generally cover only the fire damage areas and additional project funding may be necessary to complete all required work.

ACCESSIBLE SEATING AT FIXED COUNTERS

95-09

Reference: 2001 California Building Code Sections 1104B.5 item 4, 1122B.4 & 1134B.2

Effective 10-31-95

Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: At fixed counters exceeding 34 inches (864 mm) in height, when food or drink is served for consumption by customers seated on stools or standing at the counter, table service at accessible tables within the same area had been an acceptable alternative to providing accessible seating at the fixed counter. As of April 1, 1994, providing table service instead of accessible seating at a fixed counter is no longer an option in California. California Building Code (CBC) Section 1104B.5 item 4 indicates that each dining, banquet and bar area shall have one wheelchair seating space for each 20 seats, with at least one minimum wheelchair seating space per functional area. In addition, required accessible seating areas shall be integrated with general seating areas to avoid having one area specifically *highlighted* as the area for persons with disabilities. Where fixed counters are provided for the public, CBC Section 1122B.4 indicates that at least 5 percent, but never less than one, of each type of station shall be located at a section of counter that is at least 36 inches (914 mm) long. However, seating for one at a lowered section of counter does not provide the disabled person with an equal opportunity to sit shoulder-to-shoulder with others and converse. Federal accessibility guidelines require that where food or drink is served at fixed counters exceeding 34 inches (864 mm) in height, an accessible portion of counter 60 inches (1524 mm) in length minimum be provided.

Resolution: At dining, banquet, and bar facilities, accessible seating spaces shall be integrated with general seating to avoid having one area specifically *highlighted* as the area for persons with disabilities. At fixed counters exceeding 34 inches (864 mm) in height, where food or drink is served for consumption by customers seated on stools or standing at the counter, the DSA encourages and will accept designs that indicate accessible portions of counters designed to accommodate more than one person, allowing disabled persons an equal opportunity to converse with others.

Under the provisions of CBC 1134B.2, when it is determined that compliance with accessibility regulations in existing buildings or facilities would create an unreasonable hardship, an exception may be granted when equivalent facilitation is provided. An example of equivalent facilitation would be to provide an accessible counter or bar with similar architecture, casework, ambience and service, in close proximity to the existing counter or bar, which will accommodate several people. Some existing buildings or facilities have historic significance which may allow use of the State Historical Building Code. Projects will be evaluated by the DSA on a case-by-case basis to ensure both accessibility and an equitable environment are provided to the maximum extent feasible.

SEISMIC UPGRADE PROJECTS

96-01

Reference: 2001 California Building Code Section 1134B.2
California Office of the Attorney General, Legal Opinion No. 94-1109

Effective 1-18-96
Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: In Legal Opinion No. 94-1109, dated May 10, 1995, the Attorney General for the State of California concluded that seismic strengthening work in an existing building constitutes a “building alteration, structural repair or addition” for purposes of providing access to the building for disabled persons.

When alterations, structural repairs, or additions are made to existing buildings or facilities, California Building Code (CBC) Section 1134B.2 indicates that projects shall comply with all applicable accessibility regulations for new construction. These requirements apply to the area of specific alteration, structural repair or addition, as well as, the primary entrance to the building or facility and the primary path of travel to the specific area of alteration, structural repair or addition including sanitary facilities, drinking fountains, signs, and public telephones serving the area.

In seismic strengthening or upgrade projects, the scope of work often includes the entire building or facility; therefore, it may be difficult to determine the area of specific alteration for the purposes of applying CBC Section 1134B.2.

Resolution: When seismic strengthening or upgrade work occurs in existing buildings or facilities, the entire building or facility is enhanced. Although, there may not be a specific area of alteration, the requirement of CBC Section 1134B.2 to provide access to the building or facility for persons with disabilities is applicable.

In existing buildings or facilities under DSA jurisdiction, if seismic strengthening or upgrade work does not alter the primary use or function of the building or facility and/or does not alter the design of specific rooms or spaces, then the requirement for an accessible path of travel to the area of specific alteration does not apply. However, the requirement to provide an accessible primary entrance, sanitary facilities, drinking fountains, signs, and public telephones, as well as, an accessible path of travel connecting these elements shall be met.

In existing buildings or facilities under DSA jurisdiction, when the primary use or function of the building or facility and/or the design of specific rooms or spaces are altered, the seismic strengthening or upgrade work shall comply with all applicable accessibility regulations for new construction. In addition, the obligation to provide an accessible primary entrance to the building or facility and primary path of travel to the specific area of alteration, including sanitary facilities, drinking fountains, signs, and public telephones serving the area shall be met.

Any work done in conjunction with the seismic strengthening or upgrade project, such as alterations or additions to the building or facility, shall comply with all applicable accessibility regulations.

Handrails at Steps

96-10

Effective 2-13-96
Revised 12-30-96

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: The definition of 'Stairway' is:

STAIRWAY. Two or more risers shall constitute a stairway.

Since handrails are required by code for 'stairways', it appears that there is no requirement for single steps. Model code does not address accessibility at single step conditions.

Resolution: The Division of the State Architect, (DSA/AC), must review any and all work which effects accessibility for path of travel, functional areas, outdoor gates, fences, outdoor surfaces, landscaping, and grading. Government Code 4450 requires compliance with the Americans with Disabilities Act Accessibility Guidelines until minimum standards are adopted. Therefore, in order to meet State legislative mandates to approve plans meeting the intent of Gov. Code 4450, DSA/AC does require handrails at single step conditions where path of travel to new work is required to be accessible.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

UNISEX TOILET ROOMS

97-01

Reference: 2001 California Building Code Sections 1115B.1, 1115B.2, 1115B.7.2,
1134B.2.1 & 1134B.2.2

Effective 1-17-97
Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: California Building Code (CBC) Section 1115B.2 indicates that where separate toilet rooms are provided for nondisabled persons of each sex, then separate toilet rooms shall be provided for persons with disabilities of each sex also. However, CBC Section 1134B.2.2 indicates that in existing buildings where it is technically infeasible in an area of alteration to make existing restroom facilities code compliant and to install separate toilet rooms for each sex, then the installation of at least one unisex toilet room per floor being altered will be permitted. The unisex toilet room must be located in the same area as the existing restroom facilities.

When alterations, structural repairs or additions are made to existing buildings or facilities, CBC Section 1134B.2 indicates that restroom facilities serving the specific area of alteration shall comply with all provisions for new buildings, unless the exceptions contained within that section are utilized. The exception to CBC Section 1115B.1 indicates that in existing buildings or facilities, when the enforcing agency determines that compliance with the building standards would create an unreasonable hardship, an exception may be granted when equivalent facilitation is provided. When equivalent facilitation is used, a fully accessible unisex toilet room provides greater usability for disabled persons than a pair of partially accessible single-sex toilet rooms. The unisex toilet room must be located within a reasonable distance of accessible areas.

Resolution: In existing buildings or facilities, unisex toilet rooms will be permitted where it is determined that full code compliance is technically infeasible in an area of alteration per CBC Section 1134B.2.2. Under the provisions of CBC Section 1134B.2.1, when it is determined that compliance with accessibility regulations in existing buildings or facilities would create an unreasonable hardship, an exception may be granted when a unisex toilet room is provided as equivalent facilitation. The unisex toilet rooms shall be located on the same floor and in the same area as the existing inaccessible restroom facilities, and shall meet the requirements of CBC Section 1115B.7.2.

Unisex toilet rooms benefit people who use opposite sex personal care assistants. For this reason, it is recommended to install unisex toilet rooms in new buildings and facilities in addition to a pair of separate accessible toilet rooms. However, unisex toilet rooms may not be utilized in place of separate accessible toilet rooms for each sex in new construction.

Note: California labor codes may require separate toilet rooms for each sex when there are five or more employees serving a business.

Permit Extensions

97-02

Effective 4-29-97

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: Some projects under the jurisdiction of Access Compliance have been approved in the past and are eligible for extensions. Certain projects were approved prior to implementation of the Americans with Disabilities Act regulations. Those remodel projects permitted before January 26, 1992, and those new projects submitted prior to January 26, 1993, were permitted prior to implementation of federal regulations relating to accessibility. Essentially, the US Department of Justice has indicated to DSA that those projects are “grandfathered in”, and do not have to meet ADA requirements.

Access Compliance incorporated more restrictive federal accessibility requirements into the State Building Code through rulemaking changes effective April 1, 1994. Projects submitted after this date may be allowed extensions without code upgrades.

Some projects were submitted and approved by DSA in the window period between implementation of federal regulations and enforcement effective dates for DSA “new ADA language.” This window period may include projects that were plan reviewed to higher federal standards as a courtesy to the architect, yet were not enforceable by DSA/AC under state law. Some architects did not want to comply with higher federal standards and chose to be responsible for those unenforceable issues.

Resolution: Existing projects submitted to Access Compliance during a window period beginning from January 26, 1992, or if new construction, January 26, 1993, and ending April 1, 1994, need to be examined by Access Compliance plan checkers to verify compliance with higher federal standards now in effect before extensions to the permit may be granted. Most projects were approved to the higher standards of either state or federal law, however, now must be required to change to incorporate ADA standards. DSA/AC has no authority to continue permit extensions on these projects contrary to the intent of state law that now requires ADA minimums.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

Interim Disabled Access Guidelines for Electrical Vehicle Charging Stations

97-03

Effective 4-30-97
Revised 6-5-97

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: In state funded projects with electrical vehicle, charging stations must be accessible. Electric Vehicles are being slowly introduced to the consumer market over the next three years as a result of an agreement between auto makers and the State of California. The zero emission vehicles as well as the equipment to charge them are continuing to develop and change at a rapid pace. Yet to successfully serve new electric vehicle customers, public charging is essential. Public charging sites that are developed now are likely to see significant technology changes before electric vehicles are fully commercialized. Based on a rule adopted by the California Air Resources Board, beginning in 2003, 10% of vehicles sold in California must be zero emission.

Public charging stations will be installed in public places such as shopping centers, parking lots and garages of companies or municipalities. They are provided as a convenient charging location for Electric Vehicle owners while they work or shop. Full charging of an Electric Vehicle takes between two to three hours.

Resolution: Representatives of the Division of State Architect, California Electric Transportation Coalition, Edison EV, The California Building Officials, Department of Rehabilitation and members of the disabled community have held meetings for the purpose of developing interim guidelines to address the issue of disabled access to these charging stations. The following guidelines have been developed and agreed upon by the these organizations:

ARE EV CHARGING STATIONS REQUIRED TO BE ACCESSIBLE?

Yes. EV Charging Stations are required to be accessible because they offer a service to the general public. When EV charging is coupled with regular parking, the EV charging is considered the primary service. (See Item V for further discussions.)

WHAT PERCENTAGE OF THE EV CHARGING STATIONS MUST BE MADE ACCESSIBLE?

The following table shall be used in determining the required number of accessible charging stations:

# of charging stations provided at a site	# of accessible charging stations required
1 to 25	1
50	2
51 to 75	3

WHAT PERCENTAGE OF THE EV CHARGING STATIONS MUST BE MADE ACCESSIBLE?

The following table shall be used in determining the required number of accessible charging stations:

# of charging stations provided at a site	# of accessible charging stations required
76 to 100	4

WHAT SPECIFICATIONS MUST THE ACCESSIBLE EV CHARGING STATION COMPLY WITH?

- a. A 9 foot wide space by 18 feet deep space is required. An access aisle of 5 feet on the passenger side is required. One in every eight accessible charging stations, but not less than one, shall be van accessible with a 8 foot access aisle.
- b. The accessible EV charging station and its access aisle need not be striped or provided with signage as required for an accessible parking space. An information sign must be posted which reads, "Parking for EV Charging Only; This Space Designed for Disabled Access; Use Last."

MUST ACCESSIBLE EV CHARGING STATIONS BE RESERVED EXCLUSIVELY FOR THE USE OF PERSONS WITH DISABILITIES?

No. The primary function of these stations is the charging of Electric Vehicles. Parking is not intended to be the primary use of the charging station.

ARE THERE ANY RESTRICTIONS RELATIVE TO THE LOCATION OF THE ACCESSIBLE EV CHARGING STATIONS?

For installations associated with new construction, the accessible charging station must be located in close proximity to a major facility, public way or a major path of travel on the site. Note: 200 feet is the maximum distance recommended. However, the charging stations need not be provided immediately adjacent to the major facilities since, again, the primary purpose of the stations is to provide the charging as a service, and parking is not intended to be the primary use of the stations.

For installations at existing sites, the accessible charging station need not be located in close proximity to other services at the site.

IS AN ACCESSIBLE PATH OF TRAVEL REQUIRED FROM THE ACCESSIBLE EV CHARGING STATION TO OTHER SERVICES PROVIDED AT THE SITE?

Yes, for installations associated with new construction. As for other facilities on the site, an accessible path of travel is required between facilities.

For installation at an existing site, an accessible path of travel is required to the extent that the cost of providing such path does not exceed 20% of the cost of the EV equipment and installation of all EV charging stations at the site, when such valuation does not exceed the threshold amount referenced in Exception 1 of Section 1134 of Title 24. The accessible path of travel shall connect to a major facility, public way or major path of travel on the site.

WHAT SPECIFICATIONS MUST THE CHARGING EQUIPMENT MEET?

The charging equipment must meet all applicable reach range provisions of Section 1118B of Title 24. A clear path of travel measuring 36 inches in clear width to the charging equipment is required.

DOES THE INSTALLATION OF CHARGING STATIONS AT AN EXISTING SITE TRIGGER PATH OF TRAVEL IMPROVEMENTS SUCH AS PRIMARY ENTRANCE TO OTHER FACILITIES, RESTROOMS, TELEPHONES, OR DRINKING FOUNTAINS?

No, unless the above features are located in the parking lot, are accessed directly from the parking lot and designed for use with the parking lot.

HOW DOES THE THREE-YEAR VALUATION ACCUMULATION APPLY TO THESE INSTALLATIONS?

The valuation of other improvements at the site over the last three years need not be added to the cost of the installation to determine application of the exception referenced in item VI above. The cost of installation of other EV charging stations at the site over a three-year period must be used in determining compliance with the exception.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

Parking Ticket Dispensers

97-06

Effective 12-23-97
Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: This interim policy requires parking areas controlled by ticket dispensers to include accessible parking spaces for persons with disabilities outside the controlled area so that these inaccessible dispensers do not create an architectural barrier.

The California Vehicle Code Section 22511.5 allows any person with a disability, displaying distinguishing placards or special plates, to park in any zone that is restricted in the length of time parking is permitted, and metered parking, such as those restricted by ticket dispensers to allow such persons to park without paying any fees. While most people with disabilities would rather pay the fee in order to be treated equally, it may be necessary to consider this issue in conjunction with developing a solution for a related issue in providing additional uncontrolled parking. DSA is not intending to prevent parking facilities from charging a fee in spite of metered parking being exempted from the fee in statute. While existing parking facilities are somewhat limited with the situation they have, they must programmatically provide solutions that make it possible for persons with disabilities to park without the need to retrieve a ticket from a ticket dispenser. Intercom systems that could call an attendant to raise the gate, or to remotely raise the gate, would seem to be a reasonable programmatic solution.

Such dispensers are architectural barriers to quadriplegics, some amputees and other persons with reach-range limitations. As a rule, programmatic solutions may not withstand the test of time, and architectural barriers must be solved by architectural solutions. Until regulations are developed, DSA is adopting an interim policy consistent with the vehicle code and the regulations cited below, which provide a solution to these architectural barriers.

Resolution: To be consistent with Vehicle Code Section 22511.5 and Government Code Section 4450, and especially Section 101.2 of Part 2 of the California Building Code, Title 24, it is necessary to plan review and approve parking facilities which provide at least one accessible van stall outside the restricted area in new construction, and in existing facilities, DSA will require adequate signage indicating a programmatic solution if there is not accessible parking equally available within 200 feet in a nearby facility.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

Accessibility Requirements In Group I Occupancies

98-04

Effective 10-15-98

Revised 4-5-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: The general accessibility requirements usually apply throughout a facility, and occupancy enhancements often add specificity. However, for Group I Occupancies, scoping reductions reduce the total number of required accessible patient bedrooms and related toilets.

Resolution: The general application of accessibility requirements for new buildings or renovations, structural repairs, alterations and additions to existing buildings are found in CCR title 24, Part 2, Chapter 11B (California Building Code), Section 1103B.1. Occupancy modifications and/or enhancements, found in subsequent sections, prescribe more detailed requirements for specific applications.

The specific applications for accessibility for Group I Occupancies (Hospitals, Skilled Nursing and Intermediate-Care Facilities) are found in Sections 1109B.1 through 1109B.8., Section 1109B.3, subsections 1 through 3, state that the total number of patient bedrooms and associated toilet rooms that must be accessible for Long-term-care (Skilled Nursing and Intermediate Care) facilities are 50 percent, 10 percent for General-purpose hospital (Acute Care) facilities, and Rehabilitation facilities must have 100 percent accessible patient bedrooms. Specificity is also given in the various sections of 1109B pertaining to requirements for the facility entrance, diagnostic and treatment areas, waiting areas, offices and sanitary facilities, offices and suites, and all public-use and common-use areas. The requirements found in Section 1114B.1 are to be applied to all of these areas.

The special requirements of Section 1114B.1 need not be applied to those patient bedrooms and associated toilet rooms beyond the percentage of rooms required in Section 1109B.3. To place these requirements on **all** patient rooms and/or associated toilet rooms would in essence be requiring 100 percent patient bedroom accessibility. This is clearly not the intent or specific percentages, as a modification or enhancement to patient bedroom accessibility requirements would not have been given.

The total number of accessible patient bedrooms is to be applied facility-wide, not necessarily by unit or by floor. However, care must be exercised to have a reasonable disbursement of accessible patient bedrooms throughout the facility.

Because of other code provisions, it appears that reasonable access or accommodation is generally provided to all patient bedrooms. The doors are 3'-1-" or 4'-0" wide to provide the minimum 44" clear exit width required by Section 1019.2. This width is greater than the 32"

minimum required for accessibility. Doors are usually easy to open because closures are not required for patient bedrooms, even when located off a rated exit corridor, per Section 1019.3. The doors are usually left in an open position when occupied to allow better supervision by nursing staff and cubicle curtains surrounding the bed(s) usually provide privacy.

Approving Authority:

A handwritten signature in black ink, appearing to read "M. Mankin". The signature is fluid and cursive, with a large loop at the end.

Michael J. Mankin, AIA
Manager, Access Compliance Program

Folding Bleachers Accessible Seats**98-05**Effective 12-1-98
Revised 3-16-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: The California Building Code (CBC) calls for providing accessible seating areas for persons with disabilities in stadiums, multi-purpose rooms, and gymnasiums.

Section: 1104B.3.5 / 3103A (b) 2.A (iii)d. Placement of wheelchair locations.

Wheelchair areas shall be an integral part of any fixed seating plan, and shall be arranged so as to provide persons with disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. Each wheelchair area shall adjoin an accessible route, which shall also serve as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seat locations. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location in addition to complying with Section 1104B.3.3/3103A (b) 2.A (iii).

Folding bleachers are a fixed foldable seating system and the wheelchair spaces are usually provided by a cut back in the first rows. Integrated companion fixed seats cannot be obtained in most designs.

Resolution: Until more specific regulations are adopted for foldable bleachers, projects will be accepted which have the following features:

1. Next to each wheelchair space a 60-centimeters (24-inches) by 120 centimeters (48 inches) clear space will be provided for each companion seating area, with signage identifying it on the companion seat.
2. Wheelchair spaces will be identified by the International Symbol of Accessibility on the floor or on the front of the lowest bleacher row in front of space.
3. The number of wheelchair accessible seats shall be dispersed equally for each side (home and visitors) and shall not be clustered into one location for each side.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

ASSEMBLY SEATING

98-07

Reference: 2001 California Building Code Sections 1104B.3.1 through 1104B.3.8

Effective 12-31-98
Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: The California Building Code (CBC) Section 1104B.3 contains provisions related to accessible seating in auditoriums, assembly halls, theaters and related facilities, including requirements for wheelchair seating areas, companion seating, transfer (aisle) seating, and semi-ambulant seating. It is unclear whether these types of required seating can be combined with one another or are mutually exclusive of each other.

Resolution: This interpretation emphasizes the provisions of current federal and state regulations as they apply to accessible seating in assembly areas. The DSA encourages and will accept construction documents that indicate the following at assembly seating areas:

1. Wheelchair seating areas are provided as shown in Table 11B-1. Wheelchair seating areas are an integral part of the seating plan, so that people using wheelchairs are not isolated from other spectators or their friends and family. These seats shall comply with CBC Section 1104B.3.1 through 1104B.3.7.
2. A companion seat is provided next to each wheelchair seating location. The companion seat is a conventional seat that accommodates a friend or companion. These seats shall comply with CBC Section 1104B.3.5.
3. Transfer (aisle) seating is provided in addition to wheelchair seating locations. At least one percent (but not less than one) of all fixed seats in all seating areas are aisle seats with no armrest, or with removable or folding armrest, on the aisle side. These seats accommodate wheelchair users who wish to transfer to existing seating during an event when fixed seating is provided. These seats shall comply with CBC Section 1104B.3.4, item 1.
4. Semi-ambulant seating is provided in addition to the spaces provided for wheelchair users. At least one percent (but no fewer than two) of all fixed seats in all seating areas provide 24 inches clear leg room from the front edge of the seat to the nearest obstruction or to the seat immediately in front. Semi-ambulant seating is located on an accessible route, and specifically on an aisle without steps. These seats accommodate people who have a mobility disability but who are not wheelchair users. These seats shall comply with CBC Section 1104B.3.8.

Special Education Relocatable Classrooms

99-01

Effective 1-31-99

Revised 3-10-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: Title 24, Part 2, the California Building Code (CBC) requires public accommodations to be accessible and available on an accessible route with equal facility. Special education trailers for persons with disabilities are at times placed inappropriately in remote corners of the site, somewhat distant from the main buildings of the school facility. Often these sites are placed in a fenced-off area separate from the main playground areas of the school. Recently, case law has indicated that separate, highlighted, accessible features are discriminatory, and that the intent of statutes is to provide integration and dispersal of accessible features. Special education relocatable buildings must be provided as an integrated part of the school facility according to the U.S. Department of Education, Office of Civil Rights, and may not be fenced-off as a separate facility. If these buildings are being fenced-off in order to avoid application of the Field Act, the effect is discriminatory and is unacceptable.

Resolution: Special education relocatable classrooms shall be placed within 200 feet of the main building(s) and may not be fenced-off from the rest of the school site.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

Playgrounds

99-02

Effective 7-1-99


This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: Participation areas are required to be accessible by Section 1104B.4.3 of Part 2, Title 24, California Code of Regulations. Playgrounds are required to be accessible by this section and by the Americans with Disabilities Act. However, the California Building Standards Code does not provide specificity by indicating on an item by item basis which particular features are required. Additionally, federal agencies are concerned that California playgrounds are often not in strict compliance with Section 504 of the Rehabilitation Act of 1973, which requires play areas, which when viewed in their entirety, to be accessible by teachers, parents and children with disabilities in the most integrated setting.

The Federal Access Board has developed play setting recommendations for new construction, but these well developed accessibility guidelines are not yet adopted by the US Department of Justice for incorporation into the ADA accessibility guidelines. Playgrounds are required to be accessible to persons with disabilities as part of an ongoing obligation under Title II of the Americans with Disability Act. As a separate issue, the California Building standards Code "triggers" the requirements for accessibility in alterations, additions or in new construction when it occurs.

Resolution: Until specific requirements are adopted by the US Department of Justice and incorporated into the State Building Standards Code, DSA/AC will not take issue with playground plans which have been developed consistent with the accessibility guidelines for the Play Setting Subcommittee issued by the Access Board. Generally, playground equipment shall be reviewed during the plan check as part of the review process, and in some cases where the design and type of equipment has not been determined, deferred approvals shall be accepted prior to close out of the project. An accessible route will be required to one of each type of feature available in playground equipment, with engineered wood, properly installed and maintained, roll-out mats, or rubber surfaces deemed to be accessible surfaces. Raised features must be available at grade or by transfer points which lead to elevated areas by way of stepped platforms. All features at grade level must also be accessible, and arrange of play features must be provided (at least one of each type). Related to this policy see the Play Setting Subcommittee Guidelines used as a current standard for this environment.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

Door Stops and other Floor-Mounted Obstructions

99-08

Effective 12-1-99

Revised 1-1-00

This policy is applicable to projects under DSA jurisdiction only. DSA's Access Compliance jurisdiction encompasses state-funded buildings, facilities and universities, as well as publicly-funded elementary schools, secondary schools, and community colleges. Local jurisdictions may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation, or defining acceptable parameters as necessary in enforcing the existing California Building Standards Code as allowed under Government Code Section 4451(f)] of the California Code of Regulations.

Issue: California Government Code 4452 and Title 24, Part 2 require public accommodations to be accessible and available on an accessible route with equal facility. To assure that the path of travel is free of hazards, care must be taken in the design and placement of walking-surface or wall-mounted components.

Resolution: Floor-mounted door stops and similar obstructions are allowed to be installed at a maximum of four inches from the face of the wall or partition. Refer to Title 24, Section 1133B.8.6, for protruding objects.

Approving Authority:



Michael J. Mankin, AIA
Manager, Access Compliance Program

SELF-EVALUATION AND TRANSITION PLAN

00-01

Reference: 2001 California Government Code Section 4450, et seq
Americans with Disabilities Act Title II Regulation, 28 CFR Part 35,
Section 35.105 & 35.150

Effective 4-1-00
Revised 8-25-05

This policy is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: All facilities under Division of the State Architect (DSA) jurisdiction must meet the provisions of California Government Code Section 4450, as well as, the federal Americans with Disabilities Act (ADA). The ADA Title II Regulation, 28 CFR Part 35, requires public entities to evaluate its current services, policies and practices to ensure persons with disabilities are protected from discrimination on the basis of disability. The ADA Title II Regulation, 28 CFR Part 35, Section 35.150 requires public entities to develop a transition plan for making the necessary structural changes to facilities in order to achieve program accessibility.

Resolution: The DSA completed and published the *Five Phases of Access Compliance* flow chart in April 2004. This document leads State agencies through the Self-Evaluation and Transition Plan process to evaluate program and facility accessibility. It is also an ideal tool to determine the accessibility of a facility prior to relocation. The flow chart can be found on the DSA website at http://www.documents.dgs.ca.gov/dsa/pubs/5phases_accesscompliance.pdf.

END OF POLICY MANUAL