

May 30, 2013

Placer County
Lisa James
Senior Project Manager
Placer County Facilities Services
11476 C Avenue
Auburn, CA 95603

Re: ADA Accessibility Re-survey for Tahoe Visitor Center, Tahoe City, CA

Dear Lisa,

Attached is the ADA Accessibility Survey for Tahoe Visitor Center, Tahoe City, CA. The ADA Accessibility Re-Survey is based upon field reviews conducted on 5/7/13 by Williams + Paddon, Inc. The scope of the re-survey includes the on-site sidewalks, exterior paths up to the building entrance, and interior areas. These areas were reviewed as a "Public Accommodation" facility.

Based on the re-survey, we have found that the project is not compliant and needs corrections. The attached ADA Accessibility Re-Survey Report, "80 Tahoe Visitor Center - Accessibility Inspection/Survey Report" dated 5/30/13 contains all of the items that were found to be not in compliance. The attached Inspection/Survey Report notes any non-compliant items found, with the non-compliant item, the locations where the non-compliant item occurs and a non-design specific recommended repair action to bring the item into compliance. The report shows a recommended course of action, but the exact specific design and remediation solution will need to be determined as part of construction documents for the repair/remediation work. There may be other solutions beyond what we have indicated and all the remediation work has to be coordinated as an integral solution for the facility and not just the individual items. The Key Plan shows the approximate location of the non-compliant item keyed to the item number in the report.

The items are listed in a non-specific order and are not indicative of any sequence or priority. They are based on groupings of areas of work. These groupings are as follows:

- A. Access from public sidewalks, parking or transportation to a building entrance.
- B. Access to any interior areas where goods or services are made available to the public.
- C. Access to restroom facilities.
- D. Access to any remaining miscellaneous goods and services which are provided.

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The determination of which items to repair, or if the item would fall under a “technically infeasible” or “disproportionate cost” or not readily achievable exception, would need to be made by Placer County and their legal council. This must be balanced with the priority listed in the California Building Code (C.B.C.)

1134B.2.1:

- 1) Accessible entry
- 2) Accessible route to goods and services
- 3) Accessible restrooms
- 4) Accessible telephones
- 5) Accessible drinking fountains
- 6) Accessible parking
- 7) Other accessible items

The report form provides a location for the County to determine and indicate the priority of the remediation work of all the various items. The column for the escalation factor is included and can then be adjusted by the County to reflect the escalation of the cost based on the time schedule for when the work will be completed. In the report, that escalation factor is currently set as 1, reflecting no escalation.

The following items should be considered in the review of this Accessibility Inspection/Survey:

- The inspection/survey included review of the CBC Accessibility Requirements and the ADA Accessibility requirements. The report lists items that are not compliant with CBC or not compliant with ADA. In some cases the item is not complaint with both, but in some cases it may only be non-compliant with one or the other. Since this is an ADA Re-Survey, it could be interpreted that if the item complies with the ADA requirement, then it is compliant even if it does not comply with the CBC requirement, as the CBC requirement is not retroactive or an on-going compliance requirement. However, if there were to be work done on an item, it would then require a Building Permit and thereby the CBC requirements would then have to be met. For that reason we show both requirements and the interpretation is up to the County as to the remediation of the item to comply with just ADA or both ADA and CBC.
- There are conflicting interpretations and requirements between the State and the Federal government’s related to the various accessibility items, and the final determination by the Building Official may not consider some of the Federal A.D.A. items or interpretations. The new 2010 California Building Code took effect in Jan. 2010. In addition, in Sept. 2010 revised ADA standards were issued, which became mandatory in March 2012. There are additional requirements in those standards and some of which conflict with the 2010 CBC requirements. Emergency measures were enacted by the State to modify some sections of the CBC to eliminate some of these conflicts. The new 2013 California Building Code will be adopted over the next year and contains an all new completely re-written accessibility Chapter 11, so additional conflicts may occur or may be resolved. Depending upon when the work will be permitted and constructed these or other conflicts may need to be addressed.
- Only the areas noted by the County as “Public Accommodations” were included in the survey and the interpretation if those areas or other areas are, or are not “Public Accommodation” were made by the County

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- The facility is a vacant building and therefore any new tenant improvement or renovation work needs to incorporate accessibility upgrade review and work for those areas being renovated or improved.
- Doors, rooms or walls requiring modification/relocation should be coordinated with any potential TI renovation work prior to the accessibility upgrade remediation.
- Modification to items within a room, area or space should be coordinated with other modifications which may be required due to non-compliance with other items so as to create an integrated solution. In some cases modification of one item may resolve the non-compliance of another item without additional remediation work.
- Costs for items to be remediated are indicated for each individual non-compliant line item by itself. However in some cases, the all the various items related to one space or object may be able to be accomplished at a reduction in cost if all the items are done together, or if the work is done as part of a larger project.
- In some cases the renovation of the entire space is required and the costs are indicated in the overall item, such as a non-complaint stair, and then there are no line item costs indicated for each of the non-compliant items for that stair.
- Calculations and determination of adequate size, number and location of required building/fire exits was not performed or included in this survey. However, exit doors are supposed to be accessible. The doors and the path were surveyed for accessibility items. The paths from the exits to the Public Way are supposed to be accessible per CBC requirements, but it could be interpreted that only the entrance is required to be accessible per ADA. This interpretation is up to the County.
- Lighting levels were not included in the scope of the accessibility survey
- No parking is provided on the Visitor Center site, but there is parking in the parking lot below. There is no accessible path from those accessible parking spaces to the Visitor Center.
- Some walls may be load bearing and should be verified by a structural engineer prior to modification/remediation. Costs indicated in the report assume the walls are not load bearing and therefore no additional cost for structural work is included.
- Outlets, switches, thermostats and other operable controls were surveyed in the rooms that were included in the areas to be surveyed, and their non-compliance is noted in the report. However, it could be interpreted that these items would not be specifically used by the public in transacting business at the facility, and therefore would not be considered a "Public Accommodation". This interpretation would be up to Placer County and their legal council.
- No restroom facilities are provided inside the Visitor Center, but there are facilities at the adjacent Community Center that are open to the Public and accessed from the exterior. See the report for that facility.
- A licensed surveyor and civil engineer will need to be obtained to perform survey work for final verification and determination of the slope and grading related items, and the creation of construction documents for permit submittal and construction.
- Repairs or modifications to the building or parking lot will require submittal of documents to the County Building Dept., and approval for a Building Permit. The final determination of some of the survey items will be made by the Building Official during plan check, and may vary from the interpretation provided in this Inspection/Survey Report.

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The inspection did not extend beyond the review of basic ADA and C.B.C. architectural accessibility items, and did not include operational requirements such as Auxiliary Aides, Services or policies. The inspection also did not include fire & life safety/exiting items or other code items.

The Americans with Disabilities Act (ADA), Title II, requires removal of architectural barriers in existing places of "Public Accommodations", when 'such removal is readily achievable, i.e. easily accomplished without much difficulty or expense'. The definition of readily achievable in the ADA is flexible and subject to interpretation on a case by case approach. The requirements of the ADA are subject to various and possibly contradictory interpretations; therefore the decisions of which items to actually modify will be the responsibility of Placer County and their legal counsel. With the current 2010 ADA Standards taking affect in March 2012, there are additional conflicts between those standards and the 2010 California Building Codes which have not been resolved currently. We have attempted to provide the information on both the 2010 CBC and the 2010 ADA Standards in the notations in the report.

Consistent with professional practices, Williams + Paddon has used its professional efforts to incorporate applicable ADA requirements and advised Placer County as to possible modifications to the facility that may be required to comply with ADA. Williams + Paddon cannot guarantee that the facility will fully comply with the interpretations of ADA requirements by Regulatory Agencies or the Courts. It is known and understood by all parties that conflicts do exist between the ADA and other regulatory documents and codes. Interpretation of the ADA is a civil and legal issue and not a design issue, and accordingly retention of legal counsel by Placer County, to review the results of the Accessibility Inspection is strongly recommended.

After you have had an opportunity to review this accessibility inspection/survey report, please contact me if you have any questions.

Sincerely,



Mark F. Posnick A.I.A., LEED AP, CASp
Certified Access Specialist No. 150
Associate Principal
Workplace Environments Group
Williams + Paddon, Inc.