

## Bureau of Engineering Special Order

Date	January 19, 1993
So Number	002-0193
Page	1 of 6

To All: Deputy City Engineers  
Division/District Engineers  
Division Heads

Subject: **Design of Sidewalks Across Driveway Aprons to Meet ADA and Title 24 Requirements, Driveway Design Criteria, Exceptions, and Documentation of Exceptions**  
*(Amends Bureau of Engineering Manual, Part E, Sections E635.12 and E635.13 and revises Figure E635.12)*

### BACKGROUND

The 1990 Americans with Disabilities Act (ADA) and Title 24 of the California Administrative Code Section 2-3325 both set essentially the same Requirements for the sidewalk width and cross slope across driveway aprons and for sidewalks in general.

Recently, the State Attorney General's Office announced the implementation of a stepped-up enforcement program designed to hold local government "accountable for its responsibilities under state disabled access laws". One of these responsibilities is that local governments correct violations of state access regulations that have been found to exist in their jurisdictions within 90 days of verification (Government Code Section 4452).

This special order establishes revised Requirements, Design Criteria, Exceptions, and a Procedure for Documenting Exceptions for sidewalks across driveway aprons. Other special orders concerning the design of curb ramps and sidewalks, in general, are in preparation.

### REQUIREMENTS

1. Sidewalks, including sidewalks across driveway aprons, shall have a continuous common surface and shall be a minimum of 48 inches in width. The surface cross slope shall not exceed two percent.
2. Sidewalk longitudinal slopes, including sidewalks across driveway aprons, within the 48-inch minimum width shall not exceed a slope of one vertical to twelve horizontal (1:12).

### DRIVEWAY DESIGN CRITERIA

1. Designers shall provide for a 48-inch wide sidewalk with a two percent maximum cross slope across driveway aprons. See attached Figure 1.
2. Driveway "Y" slopes shall not exceed ten percent without the following approvals:

- a. "Y" slopes between ten percent and twelve percent may be approved by a Civil Engineering Associate.
- b. "Y" slopes greater than twelve percent must be approved by a Civil Engineer.

Use the "Y" distance values versus curb face heights shown above the bold line shown on revised Figure E635.12 (Attached).

3. Approval of "Y" slopes greater than ten percent is contingent on plotting a profile cross section(s) showing the roadway, driveway apron, and private driveway grades and using the "shortest" and "longest" composite car templates contained in the Bureau's Engineering Manual - Part E (See E 635.4) to determine that vehicles can safely use the driveway without damage and/or possible loss of control.

Other solutions that would create a "Y" slope of ten percent or less and comply with the Requirements are:

- a. When right-of-way is available, the sidewalk across the driveway apron may be offset from the adjoining sidewalk to provide the necessary "Y" distance and slope. The transition walk to the offset walk must be 48 inches wide. See attached Figure 2.
  - b. When flooding of private property is not a risk, the back of sidewalk across the driveway apron may be depressed to reduce the "Y" slope to less than ten percent when curb height and border width (curb to property line distance) is insufficient. See attached Figure 3.
  - c. When borders are very narrow, and flooding of private property is not a risk, the entire driveway apron may be depressed to form a 2-percent "Y" slope from the curb line to the property line. See attached Figure 4.
4. Sidewalk longitudinal slopes across driveway aprons that exceed the 1:12 maximum slope Requirement shall be documented as an exception in the following cases:
    - a. The longitudinal slope of the street is greater than 1:12.
    - b. Longitudinal grades in the sidewalk adjoining the top and bottom of a driveway "X" dimension exceed a 1:12 slope even when a maximum "X" dimension of 6 feet is used (See Figures 3 and 4).

Sidewalks shall not be depressed below the top of curbs without Civil Engineer approval.

**Every attempt must be made to construct driveways that meet the Requirements.** Sidewalks across driveway aprons that cannot meet the Requirements shall be analyzed for eligibility for an exception. It is preferable to use a steeper approvable "Y" slope than grant an exception. Exceptions that are granted shall be documented as provided for in this Special Order.

## **EXCEPTIONS**

Two categories of exceptions exist in the California State Codes. Currently the State codes are under revision to incorporate ADA regulations. Exceptions to new work should only be granted when one of the findings listed below can be made.

### **CATEGORY I EXCEPTIONS - UNREASONABLE HARDSHIP**

1. When the enforcing agency finds that, due to local conditions, the 2% maximum cross slope requirement creates an unreasonable hardship, the cross slope may be increased to a maximum of 4% for distances not to exceed 20 feet. (Title 24 Section 3325(a)3)
2. When the enforcing agency determines that compliance with the 48-inch clear sidewalk Requirement would create an unreasonable hardship (because of right-of-way restrictions, natural barriers or other existing conditions), the clear width may be reduced to 36 inches. (Title 24 Sec. 3325(a))

### **UNREASONABLE HARDSHIP - DEFINITION**

"Unreasonable hardship" is defined in Section 422 of Title 24 to exist when compliance with a building standard makes the work of a project unfeasible based on the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.
5. The nature of the use of the facility under construction and its availability to handicapped persons.

The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.

### **CATEGORY II EXCEPTIONS - PRACTICAL DIFFICULTY, UNNECESSARY HARDSHIP, OR EXTREME DIFFERENCES**

Section 19957 of the Health and Safety Code permits exceptions from the literal Requirements of the standards in Title 24 in cases of practical difficulty, unnecessary hardship, or extreme differences. This section provides the enforcement agency "may grant exceptions from the literal Requirements of the standards and specifications required by this part or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured."

Possible bases for Category II Exceptions are as follows:

1. Unnecessary Hardship. Safe vehicle access to private property would be denied to disabled and able-bodied drivers alike.
2. Practical Difficulty. Narrowing the roadway to provide Required driveway "Y" slopes and sidewalk widths would create unsafe traffic lane widths or eliminate street parking for disabled and able-bodied motorists alike.
3. Extreme Differences. Securing additional right-of-way for driveway Requirements would necessitate building demolition and/or relocation of businesses or residents.

Category II includes the following circumstances that affect existing driveways or new driveways in older tracts where there is insufficient street right-of-way:

1. Provision of the Required or Category I Excepted sidewalk width, cross slope, or longitudinal slope across the driveway apron would cause:
  - a. Damage to vehicles accessing the driveway;
  - b. Flooding of private property, based on a projected 50-year flood; or
  - c. Extensive remodeling of the existing roadway or modifications of existing ramps or structures on private property that would not thereafter meet other code or safety requirements.
2. There is insufficient distance between the curb line and the property line to meet the Requirements and it would be impractical to purchase additional right-of-way and demolish, remodel, or reconstruct the currently existing private improvements to meet the Requirements.
3. Street widening project plans signed by the City Engineer (Prior to the date of this Special Order) where insufficient right-of-way has been provided or left to allow the Requirements to be met.

This exception may be made only on condition that future highway right-of-way dedications required by the Highway Dedication Ordinance will provide for such right-of-way. Such projects shall also meet one of the following criteria:

- (a) Under construction or constructed as of the date of this Special Order;  
or
- (b) Right-of-way acquisition completed or condemnation proceedings requested as of the date of this Special Order.

However, during construction all driveways shall be reevaluated and change orders issued if it is possible to bring individual driveways into compliance with the Requirements or at least Category I Exceptions.

**INSTRUCTIONS FOR THE PREPARATION OF CATEGORY I AND II EXCEPTION DOCUMENTATION OF NONCONFORMING DRIVEWAYS**

Where allowable the attached form, EXCEPTIONS FROM DRIVEWAY REQUIREMENTS, shall be filled out, signed by the District Engineer, and maintained in each Engineering District Office in a "Driveways, Exceptions" file by street address.

**A. EXCEPTIONS FOR EXISTING DRIVEWAYS**

Compliance with Driveway Requirements will be considered whenever a complaint of a nonconforming driveway is received. If an Exception is warranted, it shall be documented. Otherwise, the Engineering District Engineer shall either:

1. Request the Bureau of Street Maintenance - Street Use Division to require the property owner to reconstruct the driveway to meet Requirements; or
2. Add the nonconforming driveway to a catch-all project (subject to funding availability) to correct nonconforming driveways.

**B. EXCEPTIONS FOR NEW DRIVEWAYS CONSTRUCTED BY "A" PERMIT**

District Offices shall require "A" Permit Applicants to provide sufficient information to determine whether or not the requested driveway can be constructed to meet Requirements. In doubtful cases, driveway sketches should be submitted by the applicant in order to make such a determination.

"A" Permits for nonconforming driveways shall be issued only on a revocable basis. Any Exception category shall be noted on the permit and an Exception form shall be prepared for submittal to the District Engineer for approval prior to issuance of the permit.

The Bureau of Contract Administration Inspector should notify the Engineering District Office of any nonconforming field conditions. The Inspector should note on the completed "A" permit inspection block of the permit that the constructed driveway meets Requirements or the Exception Category approved on the permit.

**C. EXCEPTIONS FOR NEW "B" PERMIT CONSTRUCTED DRIVEWAYS**

Private Engineers shall submit "EXCEPTIONS FROM DRIVEWAY REQUIREMENTS" forms for approval by the District Engineer.

**D. EXCEPTIONS FOR DRIVEWAYS TO BE CONSTRUCTED BY CITY PROJECTS**

Bureau of Street Maintenance. Driveways reconstructed by the Bureau of Street Maintenance shall meet Requirements unless that Bureau has obtained an approved form "EXCEPTION FROM DRIVEWAY REQUIREMENTS" from the appropriate District Engineering Office.

Bureau of Engineering Projects. Project Engineers shall prepare "EXCEPTION FROM DRIVEWAY REQUIREMENTS" forms for each nonconforming driveway shown on project plans and secure District Engineer approval.

**E. DISALLOWED EXCEPTION REQUESTS**

In the event a nonconforming driveway is constructed, under permit, and an Exception request is subsequently disallowed, the Engineering District Engineer shall Request the Bureau of Contract Administration to require the permittee to remodel or reconstruct the driveway.

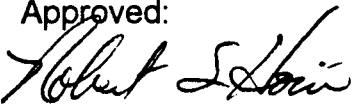
( GDM JMF CR LLL RHK )

**Attachments:**

1. Revised Figure E635.12
2. Figure 1
3. Figure 2
4. Figure 3
6. Figure 4
5. Exception Form

**CC W/Attchs:**

Department of Transportation  
 Department of Building and Safety  
 Department of Planning  
 Bureau of Contract Administration  
 Bureau of Street Maintenance  
 Bureau of Street Lighting

GDM/RWK/MHS/CED/DWYSPECO	Approved:  Robert S. Horii, City Engineer
So002-1093.cyb	

CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING

DOCUMENTATION OF AN  
EXCEPTION FROM DRIVEWAY REQUIREMENTS

Site Address	Engineering District Office
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Side Street Address (if driveway is on side street)

Legal Description

Other Description of Driveway Location (if needed)

**Appropriate Box** **CATEGORY I EXCEPTIONS**

<input type="checkbox"/>	A. Sidewalk cross slope across driveway apron varies between 2% and 4% (for less than 20-feet) to avoid an unreasonable hardship.
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<input type="checkbox"/>	B. Sidewalk width across driveway apron was reduced to a 3-foot width to avoid an unreasonable hardship.
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Explanation of unreasonable hardship

**Appropriate Box(es)** **CATEGORY II EXCEPTIONS**

<input type="checkbox"/>	A. Meeting Driveway Requirements would cause damage or loss of control to vehicles accessing the driveway.
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<input type="checkbox"/>	B. Meeting Driveway Requirements would cause flooding of private property, based on a projected 50-year flood.
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<input type="checkbox"/>	C. Meeting Driveway Requirements would require extensive remodeling of the existing roadway or modifications of existing ramps or structures on private property that would not thereafter meet other code or safety requirements.
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<input type="checkbox"/>	D. Sidewalk longitudinal slopes exceed 1:12.
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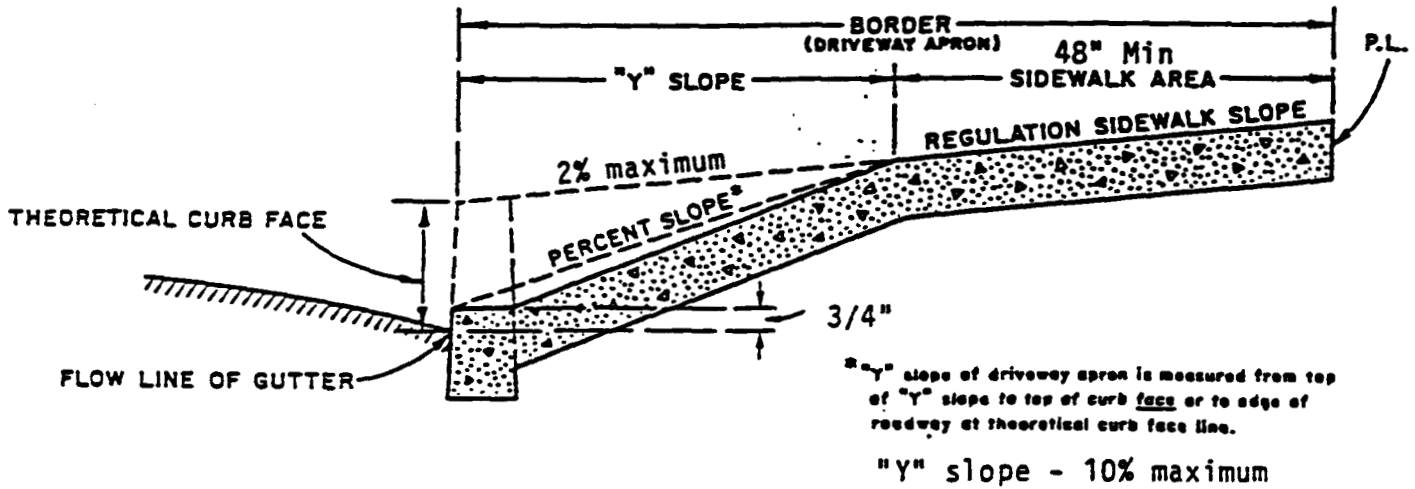
<input type="checkbox"/>	E. Insufficient distance between the curb line and property line to meet the Requirements and it is impractical to purchase additional right-of-way and demolish, remodel, or reconstruct the currently existing private improvements.
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<input type="checkbox"/>	F. City street improvement plans signed by the City Engineer prior to July 1, 1992 where insufficient right-of-way has been provided or left to allow the Requirements to be met.
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Additional explanation of exception circumstances

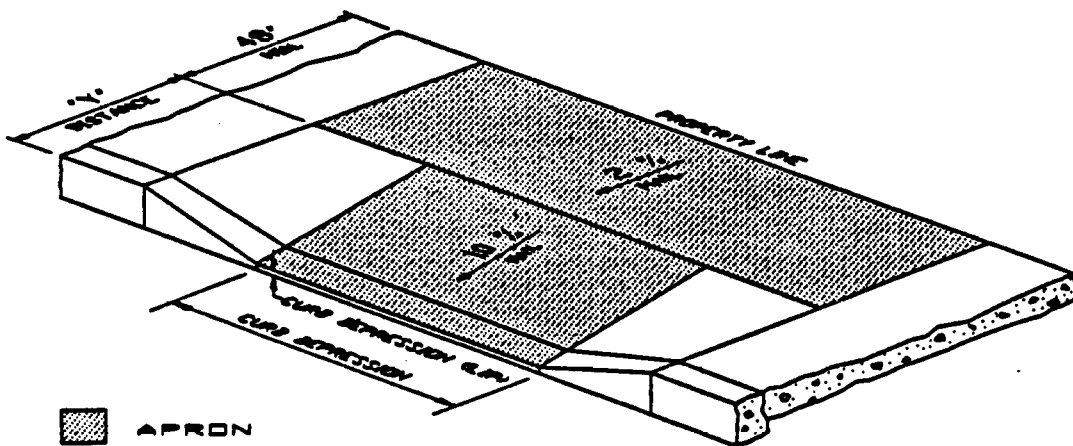
	DISTRICT ENGINEER APPROVAL	DATE:
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# DRIVEWAYS— TABLE SHOWING PERCENT SLOPE OF APRON FOR GIVEN CURB FACE AND "Y" DISTANCE

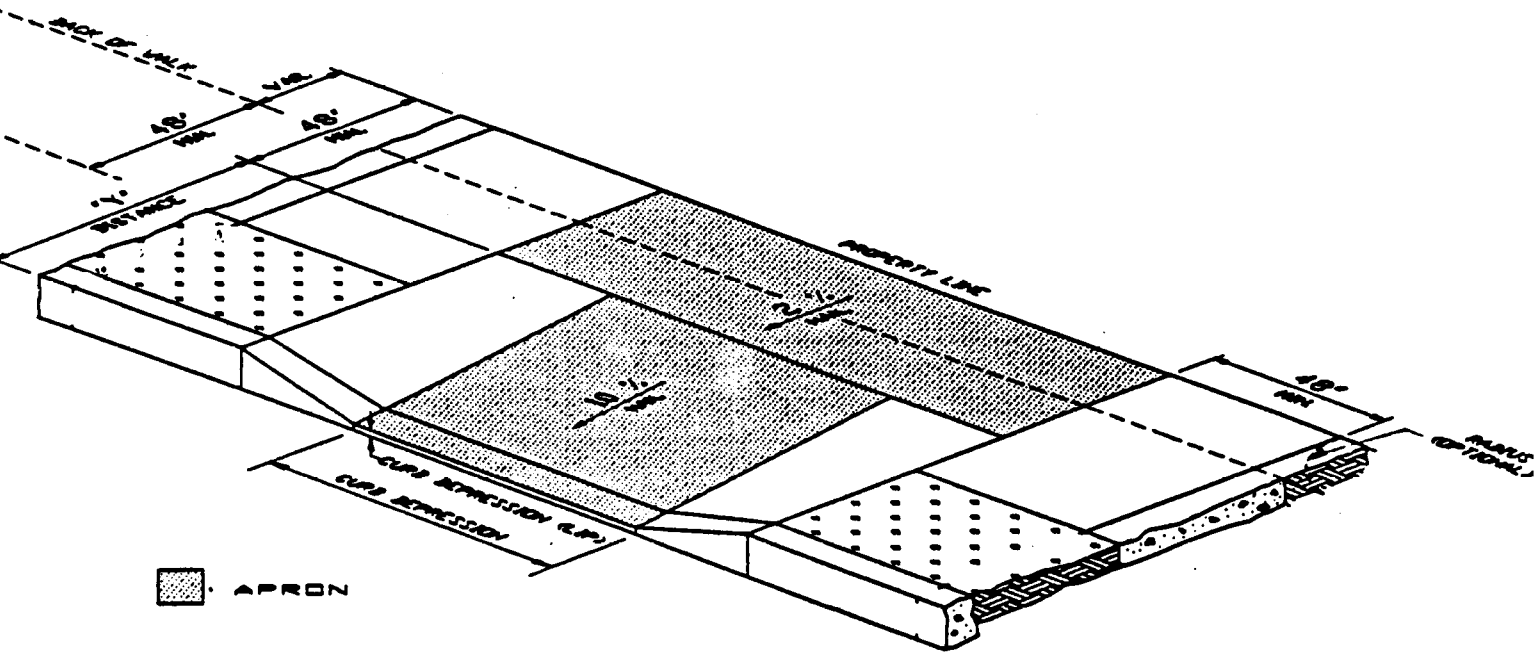


CURB FACE (in inches)	"Y" DISTANCE (in feet)															
	2.50	3.00	3.50	4.00	4.50	5.00	5.50	6.00	6.50	7.00	7.50	8.00	8.50	9.00	9.50	10.0
5	16.2	13.8	12.1	10.9	9.9	9.1	8.4	7.9	7.4	7.1	6.7	6.4	6.2	5.9	5.7	5.5
5 1/2	17.9	15.2	13.3	11.9	10.8	9.9	9.2	8.6	8.1	7.7	7.3	6.9	6.7	6.4	6.2	6.0
6	19.5	16.6	14.5	12.9	11.7	10.8	10.0	9.3	8.7	8.3	7.8	7.5	7.1	6.9	6.6	6.5
6 1/2	21.2	18.0	15.7	14.0	12.6	11.6	10.7	10.0	9.4	8.8	8.4	8.0	7.6	7.3	7.0	6.8
7	22.8	19.4	16.9	15.0	13.6	12.4	11.5	10.7	10.0	9.4	8.9	8.5	8.1	7.8	7.5	7.2
7 1/2	24.5	20.8	18.1	16.1	14.5	13.3	12.2	11.4	10.7	10.0	9.5	9.0	8.6	8.3	7.9	7.6
8	26.2	22.1	19.3	17.1	15.4	14.1	13.0	12.1	11.3	10.6	10.1	9.6	9.1	8.7	8.4	8.0
8 1/2	27.8	23.5	20.5	18.1	16.4	14.9	13.7	12.8	11.9	11.2	10.6	10.1	9.6	9.2	8.8	8.5
9	29.5	24.9	21.6	19.2	17.3	15.8	14.5	13.5	12.6	11.8	11.2	10.6	10.1	9.6	9.2	8.9
9 1/2	31.2	26.3	22.8	20.2	18.2	16.6	15.3	14.2	13.2	12.4	11.7	11.1	10.6	10.1	9.7	9.3
10	32.8	27.7	24.0	21.3	19.1	17.4	16.0	14.8	13.9	13.0	12.3	11.6	11.1	10.6	10.1	9.7
10 1/2	34.5	29.1	25.2	22.3	20.1	18.3	16.8	15.5	14.5	13.6	12.8	12.2	11.6	11.0	10.6	10.1
11	35.2	30.5	26.4	23.4	21.0	19.1	17.5	16.2	15.1	14.2	13.4	12.7	12.0	11.5	11.0	10.5
11 1/2	37.9	31.9	27.6	24.4	21.9	19.9	18.3	16.9	15.8	14.8	13.9	13.2	12.5	12.0	11.4	11.0
12	39.5	33.3	28.8	25.4	22.8	20.8	19.0	17.6	16.4	15.4	14.5	13.7	13.0	12.4	11.9	11.4

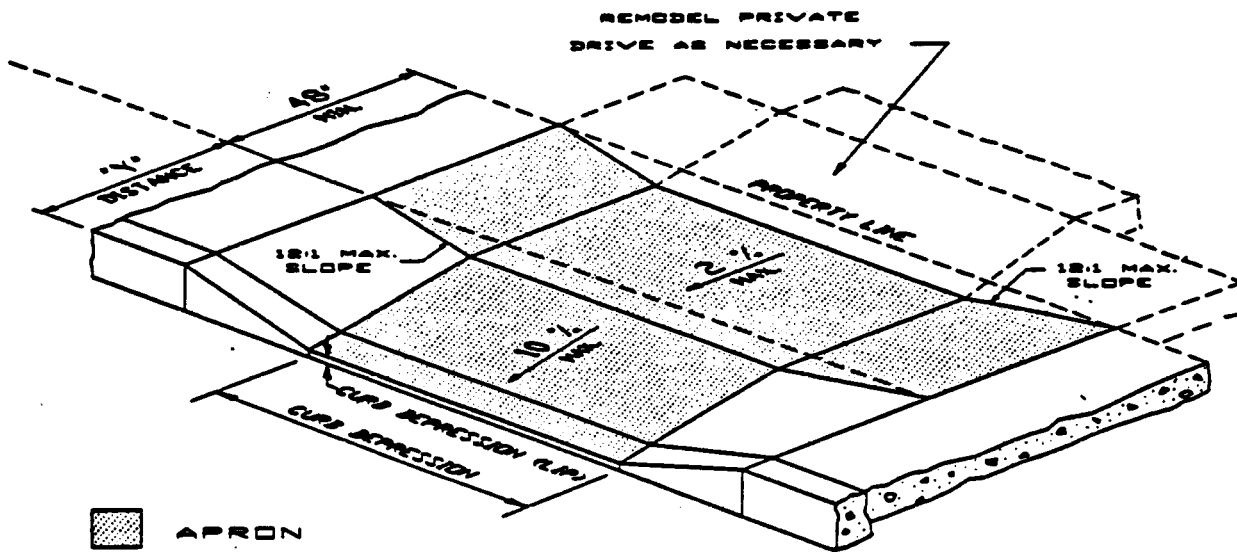




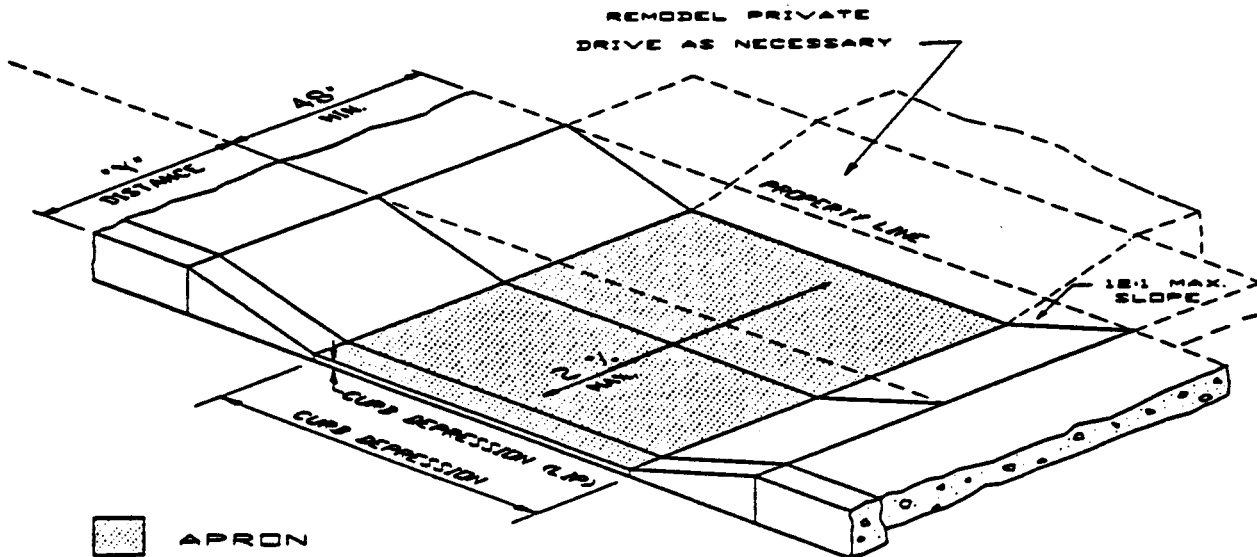
DRIVEWAY REQUIREMENTS  
FIGURE 1



DRIVEWAY REQUIREMENTS  
FIGURE 2



DRIVEWAY REQUIREMENTS  
FIGURE 3



DRIVEWAY REQUIREMENTS  
FIGURE 4

CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING

DOCUMENTATION OF AN  
EXCEPTION FROM DRIVEWAY REQUIREMENTS

Site Address

Engineering District Office

Side Street Address (if driveway is on side street)

Legal Description

Other Description of Driveway Location (if needed)

X Appropriate Box

CATEGORY I EXCEPTIONS

- A. Sidewalk cross slope across driveway apron varies between 2% and 4% (for less than 20-feet) to avoid an unreasonable hardship.
- B. Sidewalk width across driveway apron was reduced to a 3-foot width to avoid an unreasonable hardship.

Explanation of unreasonable hardship

X Appropriate Box(es)

CATEGORY II EXCEPTIONS

- A. Meeting Driveway Requirements would cause damage or loss of control to vehicles accessing the driveway.
- B. Meeting Driveway Requirements would cause flooding of private property, based on a projected 50-year flood.
- C. Meeting Driveway Requirements would require extensive remodeling of the existing roadway or modifications of existing ramps or structures on private property that would not thereafter meet other code or safety requirements.
- D. Sidewalk longitudinal slopes exceed 1:12.
- E. Insufficient distance between the curb line and property line to meet the Requirements and it is impractical to purchase additional right-of-way and demolish, remodel, or reconstruct the currently existing private improvements.
- F. City street improvement plans signed by the City Engineer prior to July 1, 1992 where insufficient right-of-way has been provided or left to allow the Requirements to be met.

Additional explanation of exception circumstances

DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, 5th FLOOR  
LOS ANGELES, CA 90013  
(213) 346-2000

(213) 346-2177

July 12, 1991

Mr. Steve Harrington, President  
Office of the Board of Public Works  
City Hall, Room 373  
Los Angeles, CA 90012

Dear Mr. Harrington:

Re: City of Los Angeles' Policies and Practices With Respect To The Requirements Of State Disabled Access Regulations That Relate To The Width Of Sidewalks And The Slopes of Driveways That Cross Driveways

The Civil Rights Enforcement Unit of this office has received a complaint from Mr. Richard Smith that alleges that the City of Los Angeles is not adhering to state disabled access regulations that relate to the width of sidewalks and the slopes of driveways that cross sidewalks. Mr. Smith's complaint included much correspondence between your office, Mr. Smith, City Engineer Robert S. Horri, and the Honorable Marvin Braude.

In a letter from Mr. Horri to Councilman Braude, dated October 27, 1989 (Exhibit A), Mr. Horri states:

"Mr. Smith noted that the Department of Public Works was not requiring the construction of continuous level sidewalk in all new construction when the sidewalk crosses a driveway apron. He states, correctly, that this is required by California law."

He continues:

"Exceptions will be permitted only when the resulting riding line across the driveway would result in the scraping of the pavement by vehicles; or, when the distance from the curb face to the back of the driveway apron is less than ten feet. In the latter case, a continuous two percent driveway slope may cause the accumulation of debris in the driveway apron and increase the potential for erosion during a storm."

On November 6, 1989, Councilman Braude wrote to Edward J. Avila, then President Board of Public Works. In that letter, Braude advises him of Mr. Smith's concerns and Mr. Horri's response (October 27, 1989), and states:

Mr. Steve Harrington, President  
July 12, 1991  
Page 2

"In Mr. Horri's letter he acknowledges that this requirement is indeed made by state law, but proceeds to note that district engineers have met and have agreed to provide level sidewalks 'whenever feasible' in new construction." (Exhibit B.)

He continues:

"I am concerned that the bureau's apparently less-than-enthusiastic response to this situation may result in legal action being filed against the city by the state Attorney General's Office, which has shown a willingness to pursue compliance vigorously."

On January 17, 1990, Mr. Smith wrote you. In that letter he states:

"LEVEL SIDEWALKS: State law mandates that all sidewalks be level as they pass through a driveway. In a recent reply to Councilman Braude, Mr. Horri acknowledged that the City has not enforced this requirement. He also states, that the Department will begin to follow the regulation with two exceptions. Neither of which are in compliance with accepted state law." (Exhibit C.)

On March 22, 1990, you responded to Mr. Smith's letter of January 17, 1990. (Exhibit D.) On retrofitting existing sidewalks you state:

"The City has neither the funds nor the staff available to design or enforce retrofitting to produce level sidewalks through which driveways pass."

On the construction of new sidewalks you state:

"Present and future compliance is another matter. The City is making an effort to bring itself into compliance with Title 24."

As some time has passed since the exchange of the correspondence reviewed above, we would like to know what the Board's current policies and practices are with respect to width of sidewalks and the slopes of driveways that cross sidewalks.

In preparing your response, we feel that it is appropriate that you have the benefit of our view on this subject. It is our view that, unless a hardship exception can be justified under the criteria set forth in regulation section 2-422(c), the requirement contained in regulation section 2-3325(a) that sidewalks "shall have a continuous common surface, not interrupted by steps or by abrupt changes in level exceeding 1/2 inch, and shall be a minimum of 48

Mr. Steve Harrington, President  
July 12, 1991  
Page 3

inches in width" and the requirement in regulation section 2-3325(d) that "when changes in level do occur, they shall be beveled with a slope not greater than 1:2, except that level changes not exceeding 1/4 inch may be vertical," must be followed. Of course, any exception that is granted must be documented as required by regulation section 2-422(c).

From the correspondence noted above, we have the particular concern that the City believes that it may grant exceptions from the requirements of regulation sections 2-3325(a) and (c) outside the parameters of the hardship exception provided for in section 2-422(c). We believe that the City is not empowered to grant exceptions outside of those available under section 2-422(c).

We would appreciate a prompt reply to this letter. Of course, if you feel that a meeting between representatives of the City and this office would be useful, we would certainly be amenable to attending such a meeting. I look forward to hearing from you.

Sincerely,

DANIEL E. LUNGREN  
Attorney General



LOUIS VERDUGO, JR.  
Deputy Attorney General

cc: Richard Smith  
Hon. Marvin Braude  
Robert S. Horri  
G.R. Overton  
Marian M. Johnston

CITY OF LOS ANGELES  
CALIFORNIA



TOM BRADLEY  
MAYOR

DEPARTMENT OF  
PUBLIC WORKS  
BUREAU OF  
ENGINEERING  
ROBERT S. HORII  
CITY ENGINEER  
ROOM 800, CITY HALL  
LOS ANGELES, CA 90012

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MYRLIE S. EVERS  
STEVE HARRINGTON

JIM GIBSON  
SECRETARY

OCT 27 1989

Honorable Marvin Braude  
Councilman, Eleventh District  
Room 275, City Hall - Stop 218  
Los Angeles, CA 90012

Dear Councilman Braude:

This letter is in response to your letter referring to correspondence you received from Mr. Richard Smith dated March 15, 1989.

Mr. Smith noted that the Department of Public Works was not requiring the construction of continuous level sidewalk in new construction when the sidewalk crosses a driveway apron. He states, correctly, that this is required by California law.

At a recent meeting of the District Engineers of the Bureau of Engineering, this matter was discussed. All agreed to provide a level surface whenever feasible in new construction.

Exceptions will be permitted only when the resulting riding line across the driveway would result in the scraping of pavement by vehicles; or, when the distance from the curb face to the back of the driveway apron is less than ten feet. In the latter case, a continuous two percent driveway slope may cause the accumulation of debris in the driveway apron and increase the potential for erosion during a storm.

We are checking the feasibility of obtaining easements on private property to provide a continuous level surface at most locations.

Every effort will be made to provide level sidewalks at all locations. We do appreciate the information Mr. Smith provided to us on this matter.

Sincerely,

ROBERT S. HORII  
City Engineer

RSH/LHB/LIE:jcn  
Exec. 11/33

cc: Council Liaison,  
Bureau of Engineering

EXHIBIT A



COUNCILMAN  
MARVIN BRAUDE  
President Pro Tempore

City Hall  
Los Angeles, CA 90012  
(213) 485-3811

Valley Office  
18425 Burbank Blvd  
(818) 989-8150

West Los Angeles Office  
1645 Cunniff Avenue  
(313) 312-8461

Edward J. Avila  
President, Board of Public Works  
Room 368, City Hall  
Mail Stop 464

November 6, 1989

Dear Mr. Avila:

I have enclosed a copy of a March 15, 1989 letter to my office from Richard Smith in which he observes that the Department of Public Works is not consistently requiring that at least four feet in width of new sidewalks be level, as is required by state law.

I have also enclosed a copy of City Engineer Robert Horii's letter which responded to my transmittal of Mr. Smith's letter.

In Mr. Horii's letter he acknowledges that this requirement is indeed made by state law, but proceeds to note that district engineers have met and agreed to provide level sidewalks "whenever feasible" in new construction.

I am concerned that the bureau's apparently less-than-enthusiastic response to this situation may result in legal action being filed against the city by the state Attorney General's office, which has shown a willingness to pursue compliance vigorously.

Mr. Smith has asked me to request, on his behalf, that this matter be scheduled for consideration by your board so that he may have an opportunity to raise his concerns to you. I am writing to convey that request, and to ask that Mr. Smith be notified when such a hearing might be scheduled. He can be reached at 818-881-2788. Thank you for your cooperation.

Very truly yours,

✓ encl(2)  
cc: Richard Smith

EXHIBIT B





Los Angeles City Advisory Council on Disability

January 17, 1990

North Spring Street  
2100  
Los Angeles, California

Mayor's Office  
for the Disabled

485-6334  
485-0035  
Steve Harrington, President  
Board of Public Works  
200 North Spring Street, Rm. 353  
Los Angeles, CA 90012

Dear Mr. Harrington:

Since March, 1989, we have been discussing with the Public Works Department, Bureau of Engineering, through Mr. Horit, a number of issues important to the disabled community. These discussions have not produced any significant results. We are now requesting an appointment to appear before your board and that the following items be placed on the agenda:

**CURB RAMP PROGRAM:** There are presently seven curb programs ongoing in the department. The process to initiate a proposal and start construction takes over two years. This is not acceptable to the disabled community. A fast track procedure must be developed.

We have asked for an update on how the \$500,000 added to the FY 89-90 Budget for curb ramps is being allocated. We have received no response to date.

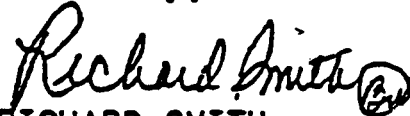
**LEVEL SIDEWALKS:** State law mandates that all sidewalks be level as they pass through a driveway. In a recent reply to Councilman Braude, Mr. Horri acknowledged that the City has not enforced this requirement. He also states, that the Department will begin to follow the regulation with two exceptions. Neither of which are in compliance with accepted the State law.

**ENFORCEMENT JURISDICTION:** Recently the Building and Safety Department attempted to enforce the level sidewalk regulation. They were instructed by Public Works that this is under their jurisdiction and that Building and Safety has no authority in this area. Title 24 of the State Code of Regulations empowers the Building Department to enforce the regulations, this regulation is part of Title 24.

EXHIBIT C

We ask that these issues be placed on your agenda for discussion and recommendations for action.

Sincerely,

  
RICHARD SMITH  
Chair, Access Committee

RS:jdf

cc: Councilman Marvin Braude  
Janet Neal, President  
Los Angeles City Advisory Council on Disability  
Betty Wilson, Director  
Mayor's Office for the Disabled  
Dennis Nishikawa, Commissioner  
Board of Public Works

Harrington.ltr

OFFICE OF THE CITY ATTORNEY  
LOS ANGELES, CALIFORNIA  
100 CITY HALL EAST  
LOS ANGELES, CA 90012

TELECOPY COVER SHEET

JAMES K. HAHN  
City Attorney



Facsimile Phone: (213) 485-8899  
Telex Contact: (213) 485-6627

TO: Mike Stafford  
Bureau of Engineering

FROM: Wayne Mooney  
City Attorney's Office

DATE: 7/29/92

NUMBER OF PAGES INCLUDING THIS ONE 2

MESSAGE: *Mike - Please call me to discuss the accompanying letter. I know from our previous discussions that our responses will be positive.*

*Wayne*

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Enclosure

EXHIBIT-D

DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 5212  
LOS ANGELES, CA 90013  
(213) 897-3000

FACSIMILE: (213) 897-2804  
(213) 897-2177

July 28, 1992

CITY ATTORNEY  
LAND USE/ENVIRONMENT  
RECEIVED

JUL 29 1992

Mr. Wayne Mooney, Esq.  
Los Angeles City Attorney's Office  
1700 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

RE: Disabled Access For Sidewalks

Dear Wayne:

We have completed our review of the draft special order that has been prepared by the City to rectify the sidewalk/driveway issue that has been the subject of discussion between the City and this office. Below I will set forth some concerns that we have with this draft.

First, at page 1, item 2 under "Requirements," it would be useful if at the end of this item the reader was referred to the diagrams (figures) that illustrate this point. Second, item 3a at page 4 (see also notation on the "Exemption From Driveway Requirements" form), exempts projects where the city has approved improvement plans prior to July 1, 1992. We are concerned that this exemption may be very broad. Does this exemption cover all improvement projects that are part of the City's General Plan or is it limited to those projects where specific construction plans have been submitted and approved?

NOT Describe - Figures  
Apply to Driveway Design  
Criteria

Please give me your thoughts on the above two comments. As soon as I hear from you, I believe that we can resolve this matter rather quickly.

2 eyes

Sincerely,

DANIEL E. LUNGREN  
Attorney General

LOUIS VERDUGO, JR.  
Supervising Deputy Attorney General

Spike to Wayne  
Mooney About this  
on 7-30-92  
AMH

**DANIEL E. LUNGREN**  
**Attorney General**

*State of California*  
**DEPARTMENT OF JUSTICE**



300 SOUTH SPRING STREET, SUITE 5212  
LOS ANGELES, CA 90013  
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FACSIMILE: (213) 897-2804  
(213) 897-2177

August 5, 1992

CITY ATTORNEY  
LAND USE/ENVIRONMENT  
RECEIVED

AUG 07 1992

Mr. Wayne Mooney, Esq.  
Los Angeles City Attorney's Office  
1700 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

RE: Disabled Access For Sidewalks

Dear Wayne:

Thank you for your letter of July 31. Your responses to the questions raised in my letter to you of July 28 are satisfactory. I would like, however, to clarify one thing. While this office has reviewed the proposed Special Order, we are not "approving" it. We are reluctant to do so because of its highly technical nature. We feel that implementation of the Special Order will give us a better idea of whether it actually resolves all access problems relating to curb widths and driveway slopes. Therefore, please do not include any "Attorney General-approved" designation on the Special Order as such a designation would not be accurate. However, adoption of the proposed Special Order, as currently drafted, will resolve this office's pending investigation. Of course, should we receive any new complaint concerning implementation of the Special Order, we will have the option of reopening our investigation. Let me know when the Special Order receives final approval.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

LOUIS VERDUGO, JR.  
Supervising Deputy Attorney General

OFFICE OF THE CITY ATTORNEY  
LOS ANGELES, CALIFORNIA  
300 CITY HALL EAST  
LOS ANGELES, CA 90012

TELECOPY COVER SHEET

JAMES K. HAHN  
City Attorney



Teletype Phone: (213) 485-8899  
Teletype Contact: (213) 485-6627

Mike Stafford, Gen. of Sec.  
FAX # 362-5019

FROM: Wayne Mooney  
City Attorney's Office

DATE: August 7, 1992

NUMBER OF PAGES INCLUDING THIS ONE 2

MESSAGE: Here's latest from AB.

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.**

1:18:00

CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

RECEIVED

AUG 27 1992

CENTRAL DISTRICT

Date: AUG 25 1992

To: Gene D. McPherson, District Engineer  
Central Engineering District  
600 S. Spring Street, Suite 1100, Stop 494  
Attn: Mike Stafford

From: Ed Howell, Valley District Engineer

Subject: DESIGN OF SIDEWALKS ACROSS DRIVEWAY APRONS TO MEET ADA AND  
TITLE 24 REQUIREMENTS

In a memorandum of July 20, 1992, you requested comments on a draft special order. All comments are shown in red on the enclosed copy.

Please note that the special order could easily be expanded to include sidewalks beyond those across driveway aprons, as shown in the comments.

Also, compliance with the design criteria will often be possible only if additional public street or sidewalk easements are obtained along driveways. Therefore, the Land Development and Mapping Division and the Planning Department should be consulted about the best methods to ensure acquisition of such easements for preliminary tracts, parcel maps and other planning actions. This insurance might consist of inclusion of a standard condition in planning actions, such as:

Additional sidewalk easements at driveways or other locations shall be dedicated to the satisfaction of the City Engineer, to comply with the Americans with Disabilities Act.

If there are any questions, please contact Rand Disko at extension 6-989-8457.

*RCD*  
RCD:vh: (202)  
A:\mem\728yhmem.wp

Enc.

c: Land Development and Mapping Division  
600 S. Spring Street, Suite 300, Stop 901

Roger Ketterer, Valley District



Office of the City Attorney

Los Angeles, California

July 31, 1992

JAMES K. HAHN  
CITY ATTORNEY

EXECUTIVE OFFICE  
1800 CITY HALL EAST  
LOS ANGELES 90012  
(213) 485-5406

CRIMINAL BRANCH  
(213) 485-5470

CIVIL BRANCH  
(213) 485-6370

TELECOMPER:  
(213) 680-3634

Louis Verdugo, Jr.  
Supervising Deputy Attorney General  
California Department of Justice  
300 South Spring Street, Fifth Floor  
Los Angeles, California 90013

Re: Disabled Access For Sidewalks

Dear Louis:

Thank you for your letter of July 28th. I am pleased that the proposed Special Order is acceptable to your office.

I have discussed your two stated concerns with Mike Stafford in the Bureau of Engineering. As to the presentation of diagrams under the "Requirements" heading on the first page, the heading was simply meant to advertise general requirements that are reflected in more detail in the "Driveway Design Criteria" heading, which follows immediately and references the figures.

In response to your question respecting exemption for street-widening projects, Mr. Stafford informs me that exemption 3(a) is limited to those projects where specific construction plans have been submitted and approved. Indeed, the text of the exemption requires pending or completed construction.

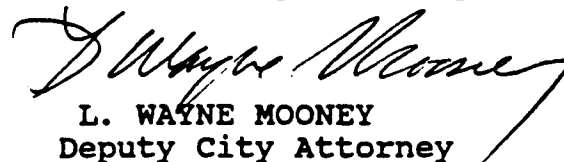
Mr. Stafford also told me that the proposed order has been distributed to the various district engineers as required by Bureau policy. He expects comments to be returned by August 20, 1992.

Please contact me if you have any further questions regarding this matter.

Very truly yours,

JAMES K. HAHN, City Attorney

By

  
L. WAYNE MOONEY  
Deputy City Attorney

LWM:mjo  
x56627

cc: Mike Stafford, Bureau of Engineering ✓  
c:\wp51\fl\wmltr.lv



RECEIVED

OCT 21 1992

CENTRAL DISTRICT



State of California  
Office of the Attorney General  
Daniel E. Lungren  
Attorney General

September 17, 1992

GDM. . . . .  
DB. . . . .  
RWK. . . . .  
JRC. . . . .  
CHA. . . . .  
JG. . . . .  
MS. *mit*. . . . .  
AA. . . . .  
LH. . . . .  
Mgmt Analy. . . . .  
File. . . . .  
One-Stop. . . . .

TO: LOCAL BUILDING OFFICIALS

RE: Enforcement of California Disabled Access Standards

On February 21, 1992, I had the pleasure of presenting the keynote address at the Seventh Annual Barrier-Free-Design Conference at Los Angeles, California. At that time, I announced that my office would be implementing a new enforcement strategy for state disabled access laws and regulations. That strategy is focused on ensuring that local building departments, the first line of enforcement authority under state disabled access laws, meet their enforcement responsibilities. This letter is intended to further advise local building officials of my intent to carry out this enforcement strategy, to point out some specific enforcement problems that seem to recur, and to offer some suggestions on how you can improve disabled access enforcement within your jurisdiction.

Under the administrations of prior Attorneys General, when a complaint was received that alleged a particular facility or building was being maintained in violation of state disabled access regulations, this office would investigate the complaint and proceed against the owner to gain compliance. Consistent with the Legislature's mandate of over 20 years ago that local building departments be the primary enforcers of state access requirements, we are now requiring that each complainant first lodge his or her disabled access complaint with the appropriate local building department. We expect every local building department to have a complaint procedure and to investigate disabled access complaints within a reasonable period of time.

Only after a local building department has completed its investigation of a disabled access complaint and has announced its intended resolution, and upon a request of the complainant would we review the local agency's action for any abuse of discretion. If we were to find such an abuse of discretion, we would ask the local building department to reconsider its decision, and, if it fails to do so, I would be prepared to take legal action to cure that abuse of discretion. Let me make it clear that I do not intend to do any Monday-morning quarterbacking. I only intend to take issue with clear abuses.

Another area for potential legal action by this office concerns local building departments' responsibilities under Government Code section 4452. That section requires commencement of action to correct deviations from state disabled access regulations within 90 days of confirmation of the existence of such deviations. I believe that a reasonable construction of this 90-day requirement is that a final resolution be reached with respect to the confirmed violations within 90 days of confirmation of the violations. A final resolution means that the violations have been corrected, a binding agreement has been reached with the owner to complete any construction necessary to correct the violations within a reasonable time, or the local building department has instituted legal action to compel the owner to correct the violations.<sup>1/</sup> Again, with respect to any agreement reached between an owner and a local building department, this office will, upon request, review any such agreement for an abuse of discretion and will take legal action, if necessary, to correct any abuse of discretion.

In order to assist you in evaluating your building department's disabled access enforcement program and/or performance, I have attached an appendix that addresses some common misconceptions about and common violations of state disabled access laws and regulations. I hope that you will find these examples helpful.

Through this office's disabled access enforcement work, we have found that deviations from disabled access requirements are often the result of a lack of adequate resources to carefully check plans, the inadequate training of personnel, and adherence to a philosophy that relaxes enforcement of state disabled access standards. You may want to evaluate your programs to determine whether these areas need to be addressed.

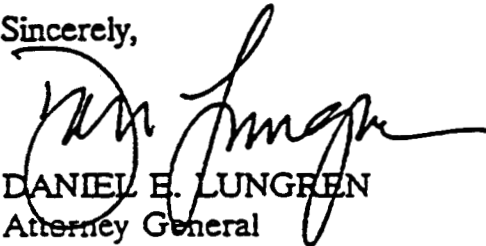
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1. This construction takes into account that not all construction projects that might be necessary to correct certain disabled access regulations can, in the real world, be completed (and the access violations corrected), within 90 days of confirmation.

Local Building Officials  
Page 3  
September 17, 1992

California was a pioneer in disabled access. Our laws predate the ADA by over 20 years. I am not asking local building departments to do anything that has not been required of them for over 20 years. What has been the long-standing public policy of this state is now national policy through the ADA. Please join me in a renewed commitment to strong and vigorous enforcement of state disabled access laws and regulations. By ensuring that persons with disabilities have full and equal access to public facilities and privately-funded public accommodations we benefit the State of California by tapping the talents of persons with disabilities, talent that unfortunately has not been utilized to the fullest extent possible. Creating a barrier-free California not only is the right thing to do, but it is in the economic interest of the state to accomplish this goal.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Lungren", written over the typed name and title.

DANIEL E. LUNGREN  
Attorney General

Attachment

## APPENDIX

- Unreasonable Hardship Exceptions - While exceptions to the literal requirements of disabled access regulations may be granted by a local building department,<sup>1/</sup> that does not mean that a building department is empowered to grant such exceptions under any criteria that it wishes to adopt. Exceptions are truly "exceptions" and can only be granted under the conditions imposed by applicable laws and regulations. One of these conditions is that if the literal requirements of access cannot be met, some sort of access that amounts to "equivalent facilitation" must still be provided. In other words, an "exception" cannot be granted where access is completely denied. In reaching a decision on an application for an exception, the local governing body is required to consider and to make findings on each of the five criteria set forth in regulation section 2-422.<sup>2/</sup> Furthermore, the local governing body is required to record and enter the details of these findings in its files.

- Granting Of Retroactive Hardship Exceptions - As a general rule, applications for exceptions must be made prior to construction. If owners were allowed to freely apply for exceptions after construction was completed and deviations were discovered, exceptions would swallow up access requirements. However, retroactive hardship exceptions may be granted post-construction under very limited circumstances. A hardship exception may be granted post-construction where the owner establishes that under the facts that existed at the time the relevant building plans were approved, an exception would have been granted. Of course, each of the five criteria noted above would have to be considered. Of critical importance is that the cost of meeting the literal requirements of the access feature at issue is the cost of meeting same at the time of original plan approval and not the cost of meeting the literal requirements at the time of the application for the retroactive hardship exception.

- Accessibility Of New Restrooms And Public Telephones  
- Often new buildings are constructed with some but not all restrooms and public telephones being accessible. State access regulations require all such restrooms and telephones to be made accessible. Particular attention should be given to the specific mounting heights for fixtures in these restrooms. (Regulation §§2-522, and 2-1501 to 2-1508.) Minor deviations from things like paper towel dispenser mounting height requirements can

---

1. Government Code section 4451(f) and Health & Safety Code section 19957.

2. Regulation section references are to the California Administrative Code, title 24.

create major health and safety problems. Furthermore, too often the telephone requirements pertaining to the provision of receivers that generate a magnetic field in receiver caps and volume control to assist the hearing impaired are not enforced. (Regulation §2-522(d)8.)

- Accessibility Of Entrances And Exits - In new construction all entrances and exits are required to be accessible. The same is true for entrances and exits added in remodeling projects. (Regulation §§2-3301, 2-3304 and 2-3325(a).)

- Parking Structure Vertical Clearance Height - State regulations require an 8'2" (not 6'6") vertical clearance height for parking structures. This vertical height clearance requirement applies not only to the entrance of the structure but also applies to the path of travel from the entrance to any and all disabled parking spaces that are required to be provided in that structure. Non-complying parking structures have been discovered often and it is difficult to correct deviations after construction. (Regulation §2-7102(g).)

- Parking Spaces - Very often disabled parking spaces are properly marked on the pavement but required reflectorized signage is not provided. (Regulation §2-7102(f).) Also, disabled spaces are lined up next to each other in a manner that requires a disabled person to go behind a parked vehicle other than his or her own. This is unlawful. (Regulation §2-7102(d).)

- Door Pull Force - Often, both interior and exterior doors exceed the maximum force required to open such doors. This minor requirement, if not followed, creates major access problems. (Regulation §2-3304(i.2).)

- Accessibility Of Employee Side of Work Stations In Selected Facilities - The employee side of work stations in sales facilities, checkstands and ticket booths must be made accessible. (Regulation §§2-611(c.2) and 2-712(b.3.B).)

- Elevators - Elevators are often overlooked. Too often correct placement and color contrasting for braille symbols and audible signals indicating the direction of travel are ignored. (Regulation §2-5103(d).)

- Curb Ramps - Contrary to the view of some, cities and counties are not free to design their own slope or cross slope requirements for curb ramps. The only lawful requirements are those contained at regulation sections 2-3325 and 2-7103, unless a site specific exception is granted.

- Stairways - It is all too common to find deviations

from the requirements that both sides of stairways have handrails (regulation section 2-3306(j.1)) and that color contrasting stripping be provided for the visually impaired (regulation section 2-3306(r)).

- Signaling Devices - Strobe signaling devices that are required for the hearing impaired are often omitted where audible alarms are provided. (Regulation §2-7203.)

- Strike Edge Clearance - Many buildings and facilities, including hotel and motel rooms, lack the proper strike edge clearance on the pull side of doors, making the rooms inside those doors unusable and inaccessible to disabled persons. Contrary to apparent popular belief, the strike edge clearance requirements apply to all hotel and motel rooms, not just those that are designated handicapped accessible. (Regulation §2-3304(i.2C).)

- Parks And Playgrounds - Parks and playgrounds also seem to be ignored or overlooked with respect to disabled access. Particular attention should be given to paths of travel leading to and from activity areas in these facilities. (Regulation §2-1107; see also Public Resources Code §§5410-5411.)

- Changes In Levels On A Given Story - Despite the clear requirement that floors (levels) of a given story be connected by ramp, lift or elevator, it is common to find facilities that do not meet this requirement. It is common to find this violation in restaurants. (Regulation §2-522(d).)

- Remodeling Of Existing Buildings - A remodel triggers the applicability of disabled access requirements in "pre-code" buildings and facilities. Not only must the specific area of remodel comply with access regulations, but the restrooms, public telephones and drinking fountains serving the remodeled area and the path of travel to the remodeled area must also be brought into compliance. The "path of travel" includes all elements necessary to provide access to the remodeled area and includes parking, sidewalks, walks, doorways, and a primary entrance. (Regulation §2-110A(b)11A.) All remodels commenced to bring a facility into compliance with the ADA must also comply with the above state law requirements.

- Seating In Auditoriums, Assembly Halls, Theaters, And Stadiums - Deviations from the requirement that disabled seating in these facilities be integrated or provided in a variety of locations throughout the facility so that disabled persons have the same choice of seating as the general public are common. (Regulation §§2-611(b) and (c).)

- Swimming Pools - Pools must be equipped with assisting devices to aid disabled persons in gaining entry into

**USEFUL PHONE NUMBERS:**

**Disability Access Coordinator**  
Richard Skaff

554-8203 FAX  
554-8112 VOICE  
554-8327 TDD

**Mayor's Disability Coordinator**  
Paul Imperiale

554-8749 VOICE  
554-8925 TDD

**FIRE PREVENTION**  
Complaints

861-8000 x310

**PARKING**

Parking Violations 553-1631  
Parking & Traffic Enforcement  
5 PM 8 AM and Saturday/Sunday  
Police Dispatch 553-0123

Placard Misuse 553-1617

**BLUE ZONES**

Dept of Parking & Traffic  
554-6440

**SIDEWALK OBSTRUCTIONS**

Street Inspectors 554-5796  
Newsracks 554-5815  
Scaffolding 554-5810  
Trees

Public Property/Private Property  
695-2162

Curb Ramp Requests/Complaints  
554-8273

**BUILDING CODE ENFORCEMENT**  
Bureau of Bldg. Inspection

554-8736

**MUNI**

Accessible Services Program  
923-6142

**AIRPORT PROPERTY**

876-2440

**ACCESSIBILITY SERVICES AT  
CANDLESTICK PARK**

Giants Games 468-3700  
49ers Games 468-8400

**PORT OF SAN FRANCISCO**

274-0559

City and County of San Francisco



Your Rights Under the  
Americans with Disabilities Act  
Programs, Activities,  
Services and Employment



Office of  
The Disability Access Coordinator

San Francisco Department  
of Public Works  
1992

PRINTED ON BLUE PAPER  
TRIFOLD

the pool. (Regulation §2-611(c).)

- Religious Facilities - These facilities must also meet general and specific access requirements. (Regulation §2-611(e).)

- Sales Facilities-Checkstands - Often sales facilities fail to properly sign their accessible checkstands. (Regulation §2-712(b.3.C).)





DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE

300 SOUTH SPRING STREET, SUITE 5212  
LOS ANGELES, CA 90013  
(213) 897-2000

FACSIMILE: (213) 897-2804  
(213) 897-2177

September 12, 1992

Mr. Richard M. Skaff  
Disability Access Coordinator  
San Francisco Department of Public Works  
1680 Mission Street, 4th Floor  
San Francisco, CA 94103

RE: Curb Ramp Requirements

Dear Mr. Skaff:

This is in response to your note of August 25, 1992. Your note was follow up to a telephone conversation that we had some time before that date.

In your note you ask: Must a curb ramp be built to a flat plane or to the topography (lay of the land)? You explain that "in many cases in San Francisco mid block alleys intersecting steep streets have no flat area to build the required flat landing (2%) at the back of the curb ramp." You also state that "the whole ramp would be steeper than 1:12 to a flat surface." You ask what can the City do?

This office's authority to issue written legal opinions derives from Government Code section 12519 which states:

"The Attorney General shall give his opinion in writing to the Legislature or either house thereof, and to the Governor, the Secretary of State, Controller, Treasurer, State Lands Commission, Superintendent of Public Instruction, any state agency prohibited by law from employing legal counsel other than the Attorney General, and any district attorney when required, upon any question of law relating to their respective offices.

The Attorney General shall give his opinion in writing to a city prosecuting attorney when required, upon any question of law relating to criminal matters."

Unfortunately, we have neither the legal authority nor the resources to provide such opinions to persons other than those

## What is The Americans with Disabilities Act (ADA)?

The ADA gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, access to public accommodations, transportation, State and local government services, and communications.

## What is the City and County of San Francisco's Policy Regarding ADA?

It is the policy of the City and County of San Francisco that employment opportunities, programs, activities, services, facilities and communication systems be fully accessible to people with disabilities consistent with the ADA requirements.

## Who is Protected?

The Americans with Disabilities Act provides comprehensive civil rights protections for "individuals with disabilities".

To be protected under the ADA, you must have, have a record of, or be regarded as having substantial mental or physical impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working. People who associate with "individuals with disabilities" are also protected.

## What does Accessible mean under the ADA?

Public entities like the City and County of San Francisco meet the standard of *program accessibility*, that is all programs, activities and services must be accessible to people with disabilities unless doing so would pose an undue financial or administrative burden or would result in a fundamental alteration in the nature of the services provided. Examples of actions that might be required in order to provide program accessibility (according to the U.S. Justice Department) include providing a sign language interpreter at a public meeting, relocating inaccessible services to an accessible location, or making the restrooms accessible at a neighborhood community center. Program accessibility does not necessarily require the removal of architectural barriers from existing buildings and facilities as long as the programs activities and services provided can be offered in an accessible manner.

Under the ADA, newly constructed or altered portions of buildings and facilities must be made architecturally accessible.

## How does the ADA relate to Employment?

If you have a disability, you must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by The ADA. This means two things. First, you must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. Second, you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. An employer cannot refuse to hire you because your disability prevents you from performing marginal duties.

While the ADA prohibits discrimination, it does not require affirmative action. Therefore, an employer is free to hire the most qualified applicant.

## What is Reasonable Accommodation?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Examples of reasonable accommodation given by the U.S. Equal Opportunity Commission are:

- ❖ Providing or modifying equipment or devices, job restructuring.
- ❖ Part-time or modified work schedules
- ❖ Reassignment to vacant position
- ❖ Adjusting or modifying examinations, training materials, or policies
- ❖ Providing readers and sign language interpreters
- ❖ Making the work place readily accessible to and usable by people with disabilities.
- ❖ An employer must provide reasonable accommodation unless doing so would pose an undue hardship.

Am I protected if I exercise my rights under the ADA, or encourage someone else to do so?

Coercion, intimidation, retaliation, threatening or interfering with any individual who exercises his or her rights under the ADA is prohibited. These same protections extend to any individual who assists or supports anyone else in exercising their civil rights.

What can I do if I believe a violation of the ADA has occurred?

Consistent with ADA requirements, the City and County of San Francisco has established a procedure to address questions or complaints regarding discrimination based on disability.

Questions and/or complaints should be directed to:

**Personnel matters:**  
Civil Service Commission  
Equal Employment Opportunity Unit  
Room 151 City Hall  
San Francisco, CA 94102  
415-554-4736

**City Employees:**  
John Marquez  
San Francisco  
Department of Public Works Personnel  
1170 Market Street, 7th Floor  
San Francisco, CA 94102  
415-554-6009

**Access questions:**

Richard Skaff  
San Francisco  
Department of Public Works  
Disability Access Coordinator  
1680 Mission Street, 4th Floor  
San Francisco, CA 94103  
415-554-8112 VOICE  
415-554-8327 TDD

**Programs/Activities**  
Paul Imperiale  
San Francisco  
Mayor's Disability Coordinator  
No. 10 United Nations Plaza, Suite 600  
San Francisco, CA 94102  
415-554-8925 VOICE  
415-554-8749 TDD



JAMES K. HAHN  
CITY ATTORNEY

Office of the City Attorney  
Los Angeles, California

November 20, 1992

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1800 CITY HALL EAST  
LOS ANGELES 90012  
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CRIMINAL BRANCH  
(213) 485-5470

CIVIL BRANCH  
(213) 485-6370

TELECOMER:  
(213) 680-3634

RECEIVED

NOV 24 1992

CENTRAL DISTRICT

Louis Verdugo, Jr.  
Supervising Deputy Attorney General  
Department of Justice  
300 South Spring Street  
Suite 5212  
Los Angeles, California 90013

Re: Handicapped Access Sidewalk Regulations

Dear Louis:

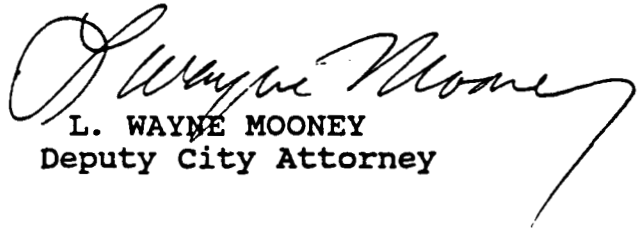
Thank you for your letter of November 7, 1992. Upon receipt of your letter, I spoke to Mike Stafford in the Bureau of Engineering. Mr. Stafford informed me that the proposed Special Order has been reviewed and commented upon by the Bureau's district engineers. He has made minor revisions and expects to forward the proposed Order to the City Engineer for final review and approval next week. I will send you a copy of the draft that is directed to the Chief Engineer so that you may comment on any changes.

Thank you for your continuing attention to this disabled access issue.

Very truly yours,

JAMES K. HAHN, City Attorney

By

  
L. WAYNE MOONEY  
Deputy City Attorney

LWM:ff  
(213) 485-6627

cc: Mike Stafford

a:\Verdugo.lwm

Mr. Richard M. Skaff  
September 12, 1992  
Page 2

specifically mentioned. For these reasons, we will be unable to provide you with a full legal opinion. However, we can provide you with some guidance, with respect to state law<sup>1/</sup>, on how the problem faced by the City may be approached. We also suggest that you consult your city attorney on the matter.

California Code of Regulations, title 24, section 2-7103(d) does, in deed, require a flat landing and that the curb ramp not exceed 1:12. However, topographical conditions that make it difficult or impossible to meet these standards can be addressed through statutory exceptions that are available to a building department. (Gov. Code §4451(f) and Health & Saf. Code §19957.)  
→ The City of Los Angeles is in the process of developing and implementing a "special order" to guide its city engineers in the granting of "exceptions" where topographical and other conditions make it difficult, impractical or impossible for a builder to comply with California Code of Regulations, title 24, section 2-3325 driveway cross slope requirements. You might want to contact the City's Bureau of Engineering to discuss how it proposes to address the problem before it.

I hope that the information provided above gives you some guidance on the problem faced by the City in enforcing section 2-7103(d). I am sorry that we are unable to provide you with a more thorough legal opinion. If you have any questions, please feel free to call me so that we can discuss the matter further.

Sincerely,

DANIEL E. LUNGREN  
Attorney General



LOUIS VERDUGO, JR.  
Supervising Deputy Attorney General

cc: G.R. Overton  
Kathleen Mikkelson

---

1. With your note you include copies of other (ADA and UFAS) standards for curb ramps. We do not address these standards as they are not part of applicable state law.

RECEIVED

NOV 24 1992



D. IEL E. LUNGREN  
Attorney General

CENTRAL DISTRICT DEPARTMENT OF JUSTICE

300 SOUTH SPRING STREET, SUITE 5212  
LOS ANGELES, CA 90013  
(213) 897-2000

FACSIMILE: (213) 897-2804  
(213) 897-2177

November 7, 1992

Mr. Wayne Mooney, Esq.  
Deputy City Attorney  
Los Angeles City Attorney's Office  
1700 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

CITY ATTORNEY  
LAND USE/ENVIRONMENT  
RECEIVED

NOV 10 1992

RE: Disabled Access For Sidewalks

Dear Wayne:

I last heard from you in late July of this year regarding the status of the Special Order to be issued by the City's Bureau of Engineering that would resolve our investigation into the problem concerning the accessibility of sidewalks that cross driveways. Please advise whether the Order has been approved. If the Order has been approved, I would appreciate a copy of same. Upon confirmation that the Order has been approved and receipt of a copy of the Order, we will close our investigation.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

A handwritten signature in cursive script, appearing to read "Louis Verdugo, Jr.", written in dark ink.

LOUIS VERDUGO, JR.  
Supervising Deputy Attorney General

# CITY OF LOS ANGELES

CALIFORNIA

## BOARD OF PUBLIC WORKS MEMBERS

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485-3378

KATHLEEN BROWN  
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STEVE HARRINGTON  
485-3375



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OFFICE OF THE  
BOARD OF PUBLIC WORKS  
373 CITY HALL  
LOS ANGELES, CA 90012  
JAMES A. GIBSON  
SECRETARY  
GENERAL INFORMATION  
485-3381

March 22, 1990

Mr. Richard Smith  
Chair, Access Committee  
Los Angeles City Advisory Council on Disability  
200 North Spring Street, Suite 2100  
Los Angeles, CA 90012

Dear Mr. Smith:

This letter responds to your letter of January 17, 1990 on several topics.

Curb Ramp Program: The Bureau of Engineering has been analyzing current year projects to prepare a list of all projects presently underway. Approximately 1050 ramps will be designed, with construction completion anticipated by the end of the calendar year. Of these, 539 were accomplished with the \$500,000 allocation of 1989-90 General Fund money. Each area of the City will be receiving some of these ramps. A spreadsheet is attached which provides further details.

Plans for the following year, 1990-91, call for approximately 1000 new ramps to be designed and constructed Citywide at a cost of slightly over \$1 million in Local Transportation Funds. Should additional monies become available to fund personnel and construction, more can be built.

You may be interested to know that the Bureau has recently completed an estimate of the funds needed to ramp all remaining intersections in the City; that estimate is \$81 million.

As you know, there is great competition for available monies for all public works projects. Handicapped Access ramps must be

prioritized along with major highway and seismic safety projects. The Bureau has a dedicated and enthusiastic handicapped ramp expediting team. To date, they have developed an abbreviated processing path for all handicapped access ramp projects. They are presently analyzing the mandatory 6 month delay imposed by utility companies who need to review all proposed construction plans. The relatively small ramp project packages must wait their turn among all other projects submitted to the utilities for plan review.

Level Sidewalks: This is a very complicated issue. At the present time, the only definitive statement which we can provide you is on the issue of retrofitting existing non-level sidewalks. The City has neither funds nor staff available to design or enforce retrofitting to produce level sidewalks through which driveways pass.

Present and future compliance is another matter. The City is making an effort to bring itself into compliance with Title 24. To bring you up to date on our efforts, let me review the following actions which have taken place.

The Bureau is researching alternative design standards before it decides which one to adopt. There are many factors which impact the adoption of any such final standard. One is the fact that most City streets are designed to channel water during the rainy season. There is a need to carefully plan all slopes associated with driveways and ramps so that water will not flow up over the back of the sidewalk into underground garages. In many instances, driveways and homes beyond the sidewalk are located at a lower elevation than the sidewalk. Care needs to be taken not to direct any flow of water into any buildings.

Also, the change of grade from the sidewalk to the driveway must take into account the construction of the undercarriage of automobiles which traverse it. A poorly designed transition will result in the car scraping the driveway. In areas which have parkways in excess of 10 feet, this is more easily designed. However, many areas of the City have 5-7 foot parkways. For these, a standard plan is being developed which would require all property owners to dedicate a larger easement where the sidewalk joins the driveway to accommodate a level passage area for the sidewalk. This standard plan will be similar to the example you provided to us. It assumes that such level land is available on the parcel. In the meantime, plan checkers have been instructed to review all plans for compliance with Title 24 requirements.

Enforcement Jurisdiction: Title 24 divides enforcement responsibility for level sidewalks. The Department of Building and Safety is responsible for level sidewalks intersected by

Mr. Richard Smith

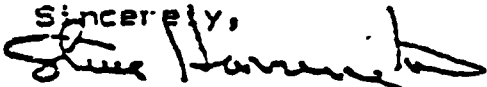
- 3 -

driveways only when they form part of the principal entrance to a building. The Department of Public Works is responsible in all other situations.

All of our district engineering public counters have implemented the new ordinance which requires builders to install curb ramps where their project is within 100 feet of the intersection.

I trust this provides you with the information you sought.

Sincerely,



Steve Harrington, President  
Board of Public Works

SH/LB/RV  
Attachment

cc: Councilman Marvin Braude  
Janet Neal, President LACACD ✓  
Betty Wilson, Director, Mayor's Office of the Disabled  
Commissioner Dennis Nishikawa  
Keith Comrie, City Administrative Officer



CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

RECEIVED

JUL 18 1991

ROBERT S. HORII

Date: July 16, 1991

To: Bob Horii, City Engineer

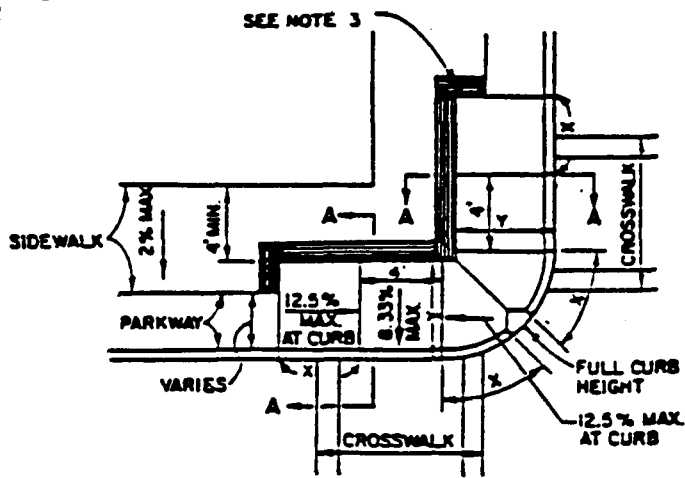
From: Felicia Marcus, President *FM*  
Board of Public Works

Subject: POLICIES REGARDING SIDEWALKS

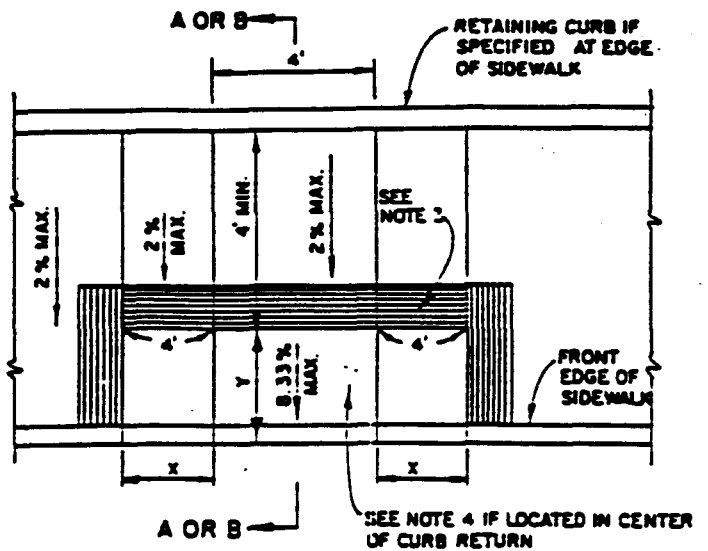
I have received the attached letter from the State Attorney General's office asking, I believe, for clarification of our policy with respect to level sidewalks. Please see where we stand and get back to me as soon as possible. I will then schedule a meeting with the City Attorney's office, Commissioner Nishikawa, and others. I take the letter as a pre-litigation matter so your prompt response is required.

FM:ed

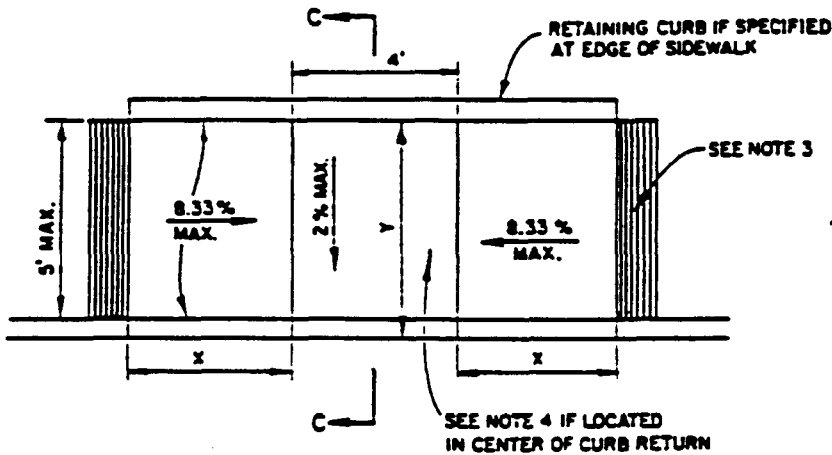
cc: Dennis Nishikawa  
Chris Westhoff



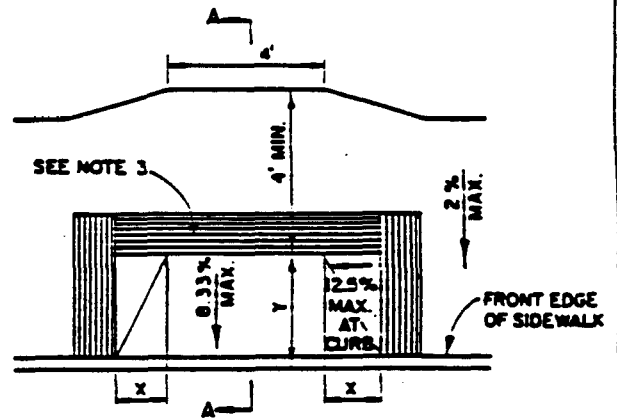
**CASE A**



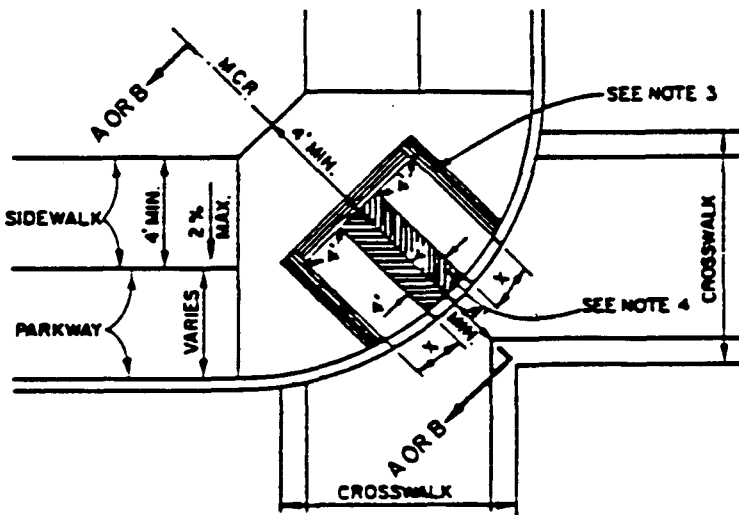
**CASE B**



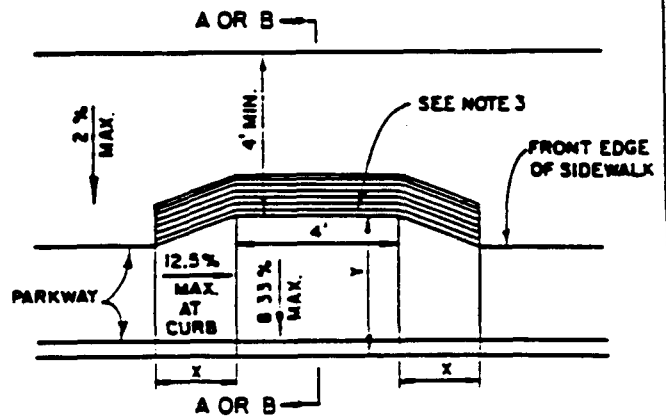
**CASE C**



**CASE D**



**CASE E**



**CASE F**

BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC WORKS

CITY OF LOS ANGELES

**CURB RAMPS**

STANDARD PLAN

**S-442-1**

SUBMITTED *[Signature]* 1992

*[Signature]*  
ENGINEER OF STREETS  
DEPUTY ENGINEER

APPROVED *[Signature]* 1992

*[Signature]*  
CITY ENGINEER

DESIGNED BY | DRAWN BY | CHECKED BY



REVISIONS		SUPERSEDES	REFERENCES
NO	DESCRIPTION		
1	TITLE AND NOTES REVISED TYPE 1 AND TYPE 2 RAMP	B-3839	
2	GRAPHIC DELETED CASE A, B, C, D, E, F, G, H, I, J, K AND L		
3	RAMP GRAPHIC ADDED DETAIL M, LIP DETAIL AND GROOVING		
4	DETAIL ADDED SECTIONS A-A, B-B, C-C AND D-D ADDED		

VAULT INDEX NUMBER B-4118

SHEET 1 OF 4 SHEETS

CITY OF LOS ANGELES  
INTERDEPARTMENTAL CORRESPONDENCE

DATE: August 6, 1991

TO: Bernard Gilpin, Director  
Bureau of Contract Administration

FROM: Robert S. Horii, City Engineer  
Bureau of Engineering

RE: STATE DISABLED ACCESS REGULATIONS

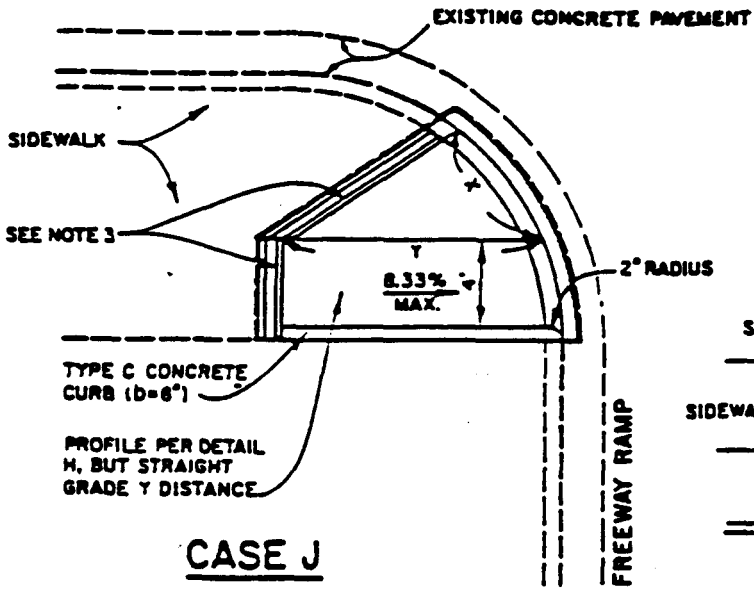
Attached is a letter dated July 12, 1991 from the State regarding compliance with State regulations for Disabled Access.

Also enclosed are copies of our standard plans for access ramps and driveways.

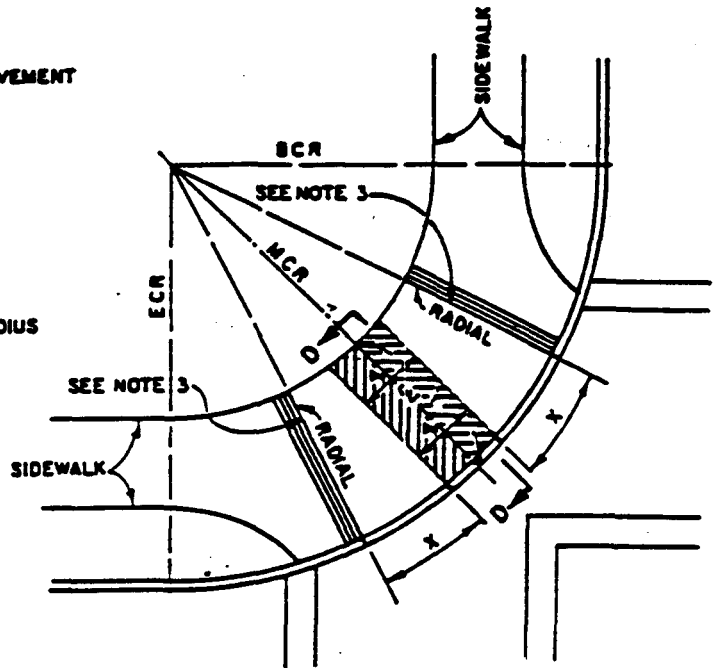
We would appreciate your review of these matters in order to assure that our inspectors are having these access ramps and driveways installed according to the latest State and City regulations.

We will soon be setting up a meeting with the State Attorney's Office to review the matters noted in their July 12, 1991 letter in detail. A member of your staff will be invited to that meeting.

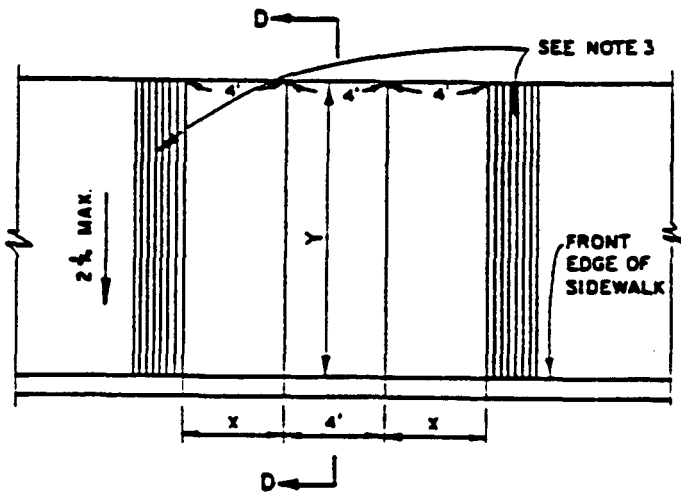
RSH:LHB:jj



**CASE J**

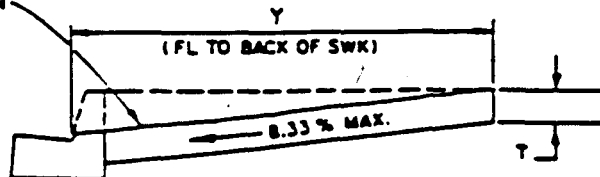


**CASE K**

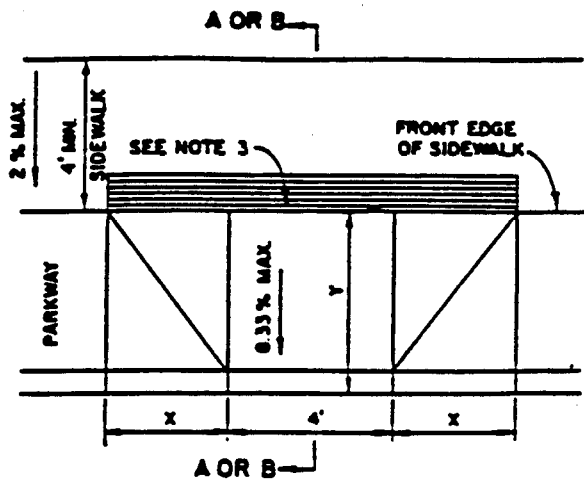


**CASE L**

USE GROOVES ON SLOPING PORTION OF RAMP WHEN LOCATED IN CENTER OF CURB RETURN

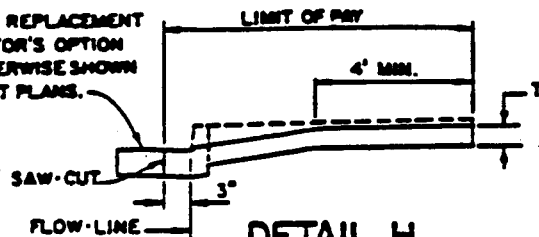


**SECTION D-D**

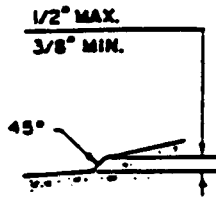


**CASE G**

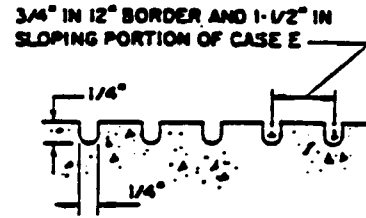
REMOVAL AND REPLACEMENT AT CONTRACTOR'S OPTION UNLESS OTHERWISE SHOWN ON CONTRACT PLANS.



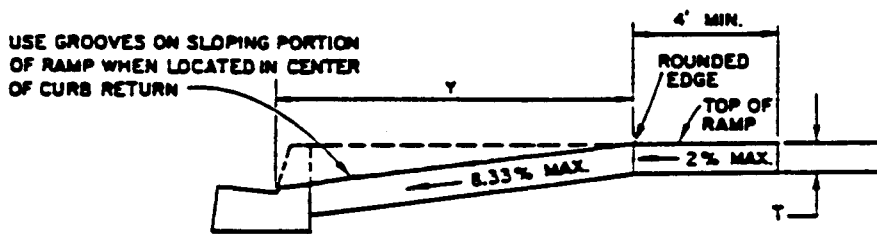
**DETAIL H**  
(EXISTING CURB AND SIDEWALK)



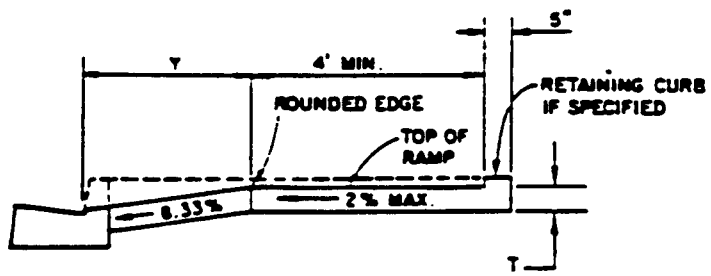
**LIP DETAIL**  
(SEE NOTE 1)



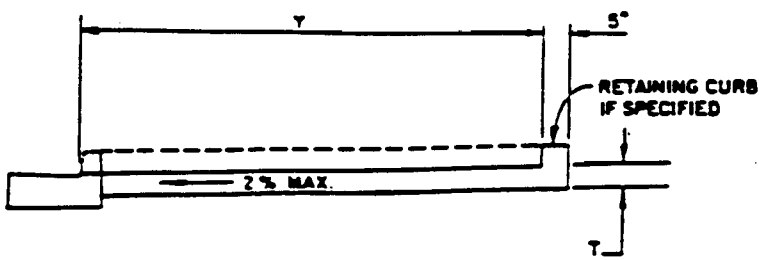
**GROOVING DETAIL**



**SECTION A-A**



**SECTION B-B**



**SECTION C-C**

MEMORANDUM

TO: JOHN HAGGERTY, Managing Assistant  
Legislative Services Division

FROM: WAYNE MOONEY, Deputy City Attorney *Wm*  
Land Use Division X5-6627

DATE: SEPTEMBER 18, 1991

SUBJECT: DISABLED ACCESS REGULATIONS REGARDING SIDEWALKS

=====

We have reviewed the material respecting the policy of the Department of Public Works ("Department") regarding the enforcement of the Title 24 regulations for sidewalk width and slope. The exceptions currently permitted by the Department can be justified on a case-by-case basis. However, the Department should establish and make known to the Attorney General procedures to ensure that the exceptions to the application of handicapped access regulations are complied with. The applicable law and recommended procedures are set forth in more detail below.

Applicable Law

Section 19957 of the Health and Safety Code permits exceptions from the literal requirements of the standards in Title 24 based on "practical difficulty, unnecessary hardship, or extreme differences." As applied to sidewalks this theme is reflected in Section 3325 of Title 24, which sets forth access requirements for walks and sidewalks:

"When because of right-of-way restrictions, natural barriers, or other existing conditions, the enforcing agency determines the compliance with the 48-inch, clear sidewalk width would create an unreasonable hardship, the clear width may be reduced to 36-inches."

"Unreasonable hardship" is defined in Section 422 of Title 24 to exist when compliance with a building standard makes the work of a project unfeasible based upon the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact to proposed improvements on financial feasibility of the project.

## NOTES

1. THE BOTTOM OF THE RAMP SHALL HAVE A 1/2 INCH LIP AT 45°.  
(SEE DETAIL, SHT.2).
2. SIDEWALK AND RAMP SHALL BE CONSTRUCTED WITH CLASS 520-C-2500 CONCRETE. THE THICKNESS, "T", SHALL BE 3 INCHES UNLESS OTHERWISE SPECIFIED.
3. THE RAMP SHALL HAVE A 12 INCH WIDE BORDER IN THE PLANE OF THE SIDEWALK WITH 1/4 INCH GROOVES APPROXIMATELY 3/4 INCH ON CENTER, SEE GROOVING DETAIL. THE SURFACE OF THE BORDER SHALL HAVE A FINE, HAIR BROOMED FINISH.
4. WHEN RAMP IS LOCATED IN CENTER OF CURB RETURN(CASE E), IT SHALL BE GROOVED IN A HERRINGBONE PATTERN WITH 1/4 INCH GROOVES APPROXIMATELY 1 1/2 INCH ON CENTER, SEE GROOVING DETAIL. THE GROOVES SHALL BE ALIGNED PARALLEL TO CROSSWALK STRIPES TO DIRECT BLIND PEDESTRIANS INTO APPROPRIATE CROSSWALK. THIS SURFACE SHALL HAVE A MEDIUM BROOM FINISH. IN ALL OTHER CASES, THE ENTIRE SURFACE OF THE CURB RAMP SHALL HAVE A STIFF BROOM FINISH TRANSVERSE TO THE CENTER-LINE OF RAMP.
5. DIMENSIONS (UNLESS OTHERWISE SPECIFIED):  
(NOT APPLICABLE TO CASE C)  
AT 8" CURB FACE:  
    Y = 10'  
    X = 6' (ON CURB)  
AT 6" CURB FACE:  
    Y = 7.5'  
    X = 4' (ON CURB)

DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, 5th FLOOR  
LOS ANGELES, CA 90013  
(213) 346-2000

(213) 346-2177

September 24, 1991

Mr. Steve Harrington, President  
Office of the Board of Public Works  
City Hall, Room 373  
Los Angeles, CA 90012

Dear Mr. Harrington:

Re: City of Los Angeles' Policies and Practices With Respect To The  
Requirements Of State Disabled Access Regulations That Relate To The  
Width Of Sidewalks And The Slopes of Driveways That Cross Driveways

I wrote you on July 12, 1991, regarding the above-referenced topic. To date this office has not received a reply to that letter. Given the serious nature of the matters discussed in that letter, we are somewhat concerned that we have received no reply to that letter in writing or by phone. Again, we request a reply to the matters discussed in the July 12, 1991 letter. For your convenience, a copy of that letter is attached hereto.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

A handwritten signature in cursive script, appearing to read "Louis Verdugo, Jr.", written in dark ink.

LOUIS VERDUGO, JR.  
Deputy Attorney General

cc: Richard Smith  
Hon. Marvin Braude  
Robert S. Horri  
G.R. Overton  
Carole R. Kornblum



Memo to John Haggerty,  
Re: DISABLED ACCESS REGULATIONS  
REGARDING SIDEWALKS  
September 18, 1991  
Page 2

4. The nature of the accessibility which would be gained or lost.

5. The nature of the use of the facility under construction and its availability to handicapped persons.

According to Section 422, the details of any finding of unreasonable hardship "shall be recorded and entered in the files of the enforcing agency."

#### Recommendations

The current Department exceptions for situations where the driveway gradient would cause vehicles to scrape the pavement or when the driveway slope would cause the accumulation of debris can properly be justified by the standards of unreasonable hardship. However, in order to satisfy the requirements of Title 24, findings with respect to the application of the unreasonable hardship definition in each case are required. Therefore, we suggest that the Department proceed by a "checklist" to analyze each exception pursuant to Sections 422 and 3325 of Title 24. Such a checklist would include evidence of the cost of providing access that would conform to the regulations, including the evidence of cost of acquisition of a right-of-way or cost of alternative construction; evidence of any legal or unremovable physical constraint at a construction; the dimensions and grading which would result from the proposed alternative to conforming construction; and a description of the burden on the safety of those using the facility, such as vehicle owners and persons who may be endangered by flooding created by debris accumulation.

The Attorney General needs to know that we are not proceeding by blanket exceptions but instead are handling each case pursuant to the criteria for unreasonable hardship set forth in Title 24. We can hope that, once assured that the issue of sidewalk width and grading will be approached according to those criteria, the Attorney General will allow us to proceed with this case-by-case approach.

If you have any questions regarding this matter, please do not hesitate to contact me.

LWM:Lm  
X5-6627

C:\wp511f\lwm\haggerty.ltr

RECEIVED

OFFICE OF THE  
BOARD OF PUBLIC WORKS  
ROOM 353, CITY HALL  
LOS ANGELES, CA 90012  
JAMES A. GIBSON  
SECRETARY  
GENERAL INFORMATION  
485-3381

OCT 02 1991

CENTRAL DISTRICT



TOM BRADLEY  
MAYOR

BOARD OF PUBLIC WORKS  
MEMBERS

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PRESIDENT  
485-3376

DENNIS N. NISHIKAWA  
VICE-PRESIDENT  
485-3379

PERCY DURAN III  
PRESIDENT PRO-TEMPORE  
485-3377

M. E. "RED" MARTINEZ  
485-3375

JOHN W. MURRAY, JR.  
485-3378

September 30, 1991

Daniel E. Lungren  
Attorney General  
State of California  
Department of Justice  
300 South Spring Street, 5th Floor  
Los Angeles, CA 90013

Attn: Louis Verdugo, Jr., Deputy Attorney General

Dear Mr. Lungren:

STATE DISABLED ACCESS REGULATIONS - SIDEWALK SLOPE ADJACENT TO DRIVEWAYS

Your letters dated July 12, 1991 and September 24, 1991 request a clarification of the policy of the Board of Public Works with respect to the width of sidewalks and cross-slope of sidewalks adjacent to driveways and access ramps. Specifically, you request that we address the exemptions currently permitted by the Department to the provisions of Title 24 regulations, Sections 2-3325(a) and 2-3325(d).

We have arranged to meet with Mr. Louis Verdugo, Deputy Attorney General, of your staff on October 10, 1991 in order to discuss this matter. Enclosed is a meeting notice which lists the names of the persons we will have at the meeting.

We look forward to meeting with your staff and discussing these important issues. If you have any questions regarding these

GDM  
DB  
RWN  
FB  
AA  
CHA  
EH  
JRC  
VMO  
MHS  
WKS  
WGS  
/G  
C  
Mgmt. Analy  
File

CHA 10/15

MEETING NOTICE

---

**PROJECT** State Disabled Access Regulations - Sidewalk Slope Adjacent to  
 Driveways and Access Ramps

---

**PLACE** Central Engineering District, Room 700, City Hall East

---

<b>TIME</b> 1:00 p.m.	<b>DATE</b> October 10, 1991
-----------------------	------------------------------

---

**PURPOSE** To discuss the subject with the Civil Rights Enforcement Unit of the  
 State Attorney General's Office.

---



---

**PARTICIPANTS**

NAME	ORGANIZATION
Dennis Nishikawa, Commissioner	Board of Public Works
John Haggerty	Assistant City Attorney
Claudia McGee-Henry	Managing Asst. Land Use Div.
James Tomasulo, Asst. Director	Bureau of Contract Administration
Robert Kimura, Asst. District Engr.	Central District
Charles Adams, Civil Engineer	Central District
Len Paco, C. E. Associate	Central District
Samir Suleiman, C.E. Assistant	Central District
Louis Verdugo, Jr., Deputy Attorney General, State of California	

**DISTRIBUTION**

Mr. Daniel E. Lungren  
September 30, 1991  
Page 2

arrangements, please call Mr. Charles Adams of my staff at (213)  
485-4596.

Sincerely,



FELICIA A. MARCUS  
President  
Board of Public Works

RSH/LHB/CHA:hrz/Lungren.ltr

Enclosure: Meeting Notice

cc: Marvin Braude, Councilman, Eleventh District  
Room 275, City Hall, STOP 218

Dennis N. Nishikawa, Commissioner  
Board of Public Works, Room 370, City Hall, STOP 464

Robert S. Horii, City Engineer  
Bureau of Engineering, Room 800, City Hall, STOP 490

Gene D. McPherson, District Engineer ✓  
Central Engineering Dist., Room 700, City Hall East, STOP 494

LOS ANGELES CITY ATTORNEY'S OFFICE  
LAND USE & REAL PROPERTY/ENVIRONMENT DIVISION

TELECOPIER COVER SHEET



RECEIVED

APR 28 1992

CENTRAL DISTRICT

TO:

Mike Stafford  
Bureau of Engineering

TELECOPIER NO.: (213) 362-5172

FROM:

L. Wayne Almoncy

Land Use & Real Property/Environment Division  
1700 City Hall East  
200 North Main Street  
Los Angeles, California 90012

DATE:

4/27/92

TIME:

3:17

NUMBER OF PAGES (including this one):

3

MESSAGE:

*Mike - In light of AB's letter can we meet this week and get approval of your changes in plans at earliest possible date? Also, I need a draft letter from you and Chuck Adams explaining delay.*



PRIMARY TELECOPIER:  
BACK UP TELECOPIERS:

(213) 485-8899

(213) 485-8898

(213) 680-3634

(213) 237-0400

VOICE CONTACT:

(213) 485-6661

c:\wp51\faxsheet  
(#) terminal)

RECEIVED

DANIEL E. LUNGREN  
Attorney General

APR 28 1992

State of California  
DEPARTMENT OF JUSTICE



CENTRAL DISTRICT

300 SOUTH SPRING STREET, 5th FLOOR  
LOS ANGELES, CA 90013  
(213) 897-3000

(213) 897-2177

April 24, 1992

Mr. Wayne Mooney, Esq.  
Los Angeles City Attorney's Office  
1700 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

CITY ATTORNEY  
LAND USE/ENVIRONMENT  
RECEIVED

APR 27 1992

RE: Disable Access For Sidewalks/Driveways

Dear Mr. Mooney:

On October 10, 1991, I met with you and various City officials to discuss the City's then alleged failure to adhere to Title 24 access regulations that address driveway slopes and sidewalk widths. At that meeting, the City acknowledged that it did not have a procedure in place to process exceptions (according to the criteria of regulation section 2-422) to the slope and width requirements of regulation section 2-3325. It was resolved at that meeting that the City would develop a process to deal with this problem. At that time, I indicated that the speed with which the City moved to develop that process would be considered in determining what to do about the various works projects that had been completed over many years where sidewalks and driveways were constructed out of compliance with regulation section 2-3325 and no exceptions were granted by the City to excuse such non-compliance.

It has now been over six months since that meeting and the City has yet to submit a new procedure to this office for its review to determine whether it satisfies the requirements of regulation section 2-3325. The expiration of this long period of time, in our view, does not exhibit good faith on the City's part. We reach this conclusion, in part, due to the history of the driveway/sidewalk problem and the futile efforts made by many, including City Councilmember Marvin Braude, to get the City to address the issue.

Recently, the Attorney General announced the implementation of a stepped-up enforcement program that is designed to hold local government accountable for its responsibilities under state disabled access laws. One of these responsibilities is to correct violations of state access regulations that have been found to exist in their jurisdictions within 90 days of verification. (Government Code § 4452.) Needless to say, the

1971

**CITY OF LOS ANGELES**  
**INTER-DEPARTMENTAL CORRESPONDENCE**

JUL 20 1992

te:

To: Ed Howell, District Engineer  
 Valley Engineering District, Stop 496

Stanley Sysak, District Engineer  
 West Los Angeles Engineering District, Stop 490

Louie S. Yamanishi, District Engineer  
 Harbor Engineering District, Stop 497

Frank Bonoff, Engineer of Permits  
 Central Engineering District  
 Permit Processing Section, Stop 503

From: *Gene D. McPherson*  
 Gene D. McPherson, District Engineer  
 Central Engineering District, 600 S. Spring St., Ste. 1100

Subject: DESIGN OF SIDEWALKS ACROSS DRIVEWAY APRONS TO MEET ADA AND  
 TITLE 24 REQUIREMENTS, DRIVEWAY DESIGN CRITERIA, EXCEPTIONS,  
 AND DOCUMENTATION OF EXCEPTIONS

Please review the enclosed draft special order and return your comments to the Central Engineering District's Transportation Section by August 20, 1992.

This special order will affect all street design activities that construct or remodel driveways. It affects "A" and "B" Permits, Street Maintenance Projects, Street Capital Improvement projects, and Street Improvement assessment projects.

The draft special order has been developed in close consultation with the City Attorney's Office to meet the anticipated consent agreement with the State of California Department of Justice for the City of Los Angeles to comply with State (and Federal) regulations. The State Department of Justice is also reviewing this draft.

Simply stated, this special order sets "Requirements" and "Driveway Design Criteria" that give priority to disabled pedestrians crossing driveway aprons over vehicles accessing driveway aprons. Exceptions are provided for and must be documented, but every effort must be made to "meet the Requirements". Standard Plan S-440-3-"Driveways" will be revised soon after this draft special order is approved. IN the meanwhile, designers and plan checkers should enforce the "Requirements" as they are presently "the law".

Mr. Wayne Mooney, Esq  
April 24, 1992  
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City has not met this responsibility with respect to the driveway and sidewalk issue.

Please provide us immediately with the City's justification and legal arguments, if any, that it feels excuses its failure to meet its obligations under Government Code section 4452.

This office institutes legal action only as a last resort. However, the Attorney General is committed to taking whatever action that is necessary to ensure that local governments are complying with the provisions of Government Code section 4452. While we hope that litigation will not be necessary in this matter, the City's failure to adequately address the driveway and sidewalk issue will leave us with few alternatives.

Sincerely,

DANIEL E. LUNGREN  
Attorney General



LOUIS VERDUGO, JR.  
Supervising Deputy Attorney General



**CITY OF LOS ANGELES**  
**INTER-DEPARTMENTAL CORRESPONDENCE**


Date: JUL 20 1992

To: C. Bernard Gilpin, Director  
Bureau of Contract Administration, Room 908, CH, Stop 480

Patrick D. Howard, Director  
Bureau of Street Maintenance, Room 1500, CHE, Stop 550

George Eslinger, Director  
Bureau of Street Lighting, Stop 545

From: Robert S. Horii  
City Engineer  
Bureau of Engineering  
Room 800, City Hall

By:  Gene D. McPherson  
District Engineer  
Central Engineering District  
600 S. Spring St., Ste. 1100

Subject: DESIGN OF SIDEWALKS ACROSS DRIVEWAY APRONS TO MEET ADA AND TITLE 24 REQUIREMENTS, DRIVEWAY DESIGN CRITERIA, EXCEPTIONS, AND DOCUMENTATION OF EXCEPTIONS

The enclosed draft special order has provisions that affect your Bureau. Please review the draft and return any comments to the Central Engineering District's Transportation Section by August 20, 1992.

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Please refer any questions to Mike Stafford, phone (213) 362-5040 or Sam Suleiman, (213) 362-5038, of my Transportation Section.

GDM/RWK/MHS:bw-311-A.Idc

Enc. (3 copies)

cc: w/enc. (1 copy)

Dennis Nishikawa, Commissioner  
Board of Public Works, Stop 464

Ralph H. Kennedy, Chief Deputy City Engineer

L. Lawrence Lewis, Deputy City Engineer

Clark Robins, Engineer of Design  
Structural Engineering Division

Robert F. Packard, Engineer of Surveys  
Survey Division

Ronald Hale, Division Engineer  
Construction Division

Bill Holland, Division Head  
Architectural Division

LaGronie Wyatt, Division Engineer  
Land Development & Mapping Division

Andres Santamaria, Division Engineer  
Project Management Division

John D. Cockayne, Division Engineer  
Special Projects Division

Please refer any questions to Mike Stafford, phone (213) 362-5040 of my Transportation Section.

GDM/RWK/MHS:bw-312-A.Idc

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L. Lawrence Lewis, Deputy City Engineer

Clark Robins, Engineer of Design  
Structural Engineering Division