

Preliminary Approval

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

Mohan Vallabhapurapu; *et al.*, on behalf of
 themselves and all others similarly situated,

Plaintiffs,

vs.

Burger King Corporation,

Defendant/Third Party Plaintiff,

vs.

Antelope Valley Restaurants, Inc., *et al.*,
 Third Party Defendants.

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Case No. C-11-00667-WHA (JSC)

SETTLEMENT AGREEMENT

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1 Introduction.

1.1 This Settlement Agreement (“Agreement”) is entered into by and between Burger King Corporation (“BKC”) on the one hand, and Mohan Vallabhapurapu; Ron Sarfaty; Kenneth Kilgore; Tyrey Mills, a minor, by and through his next friend and mother Ginene Mills; Jenilyn Jimenez; Elizabeth Baker; William Farber; Uverda Harry; Kathryn Tyler; Priscilla Walker; Richard Felix; Kathleen Gonzalez; Judy Cutler; Diane Dailey; Carol Lacher; Bethany McClam; Erik Nieland; Carol Picchi; William Showen; George Partida; Kitty Dean; Alfred Brown; Marsha Shining Woman; Goldene Springer; Daniel Xenos; Katherine Adams; Lynda Bowman; Jamie Coleman; Sheila Flaherty; Theresa Brown-Gaulitz; Lisa Lothridge; Diane Mackie; Pia Parker; Coleen Rairdon-Brainard; Geri Samuel; William Earl Sheehan; Barry Smith; David Thomas; and John Whited (collectively “Named Plaintiffs”), individually and on behalf of themselves and a class of persons similarly situated (hereinafter referred to as the “Class” and defined below), on the other hand. BKC and the Named Plaintiffs (individually and on behalf of the Class) shall individually be referred to as a “Party” and jointly as the “Parties.”

1.2 This Agreement applies to the eighty-six (86) Burger King Restaurants listed in Paragraph 3.11 below. These eighty-six restaurants will be referred to herein as “Remaining BKLs.”

1.3 Named Plaintiffs each use a wheelchair or scooter for mobility and each claim to be a person with a disability as that term is used in the Americans with Disabilities Act. Named Plaintiffs all patronize one or more of the Remaining BKLs and intend to continue doing so in the future.

1.4 The Named Plaintiffs have brought suit in the United States District Court for the Northern District of California (the “Court”), Civil Action No. 10-00667 WHA (the “Lawsuit”), in which they allege that BKC violated Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12181 *et seq.*, the Unruh Civil Rights Act, Cal. Civ. Code § 51 *et seq.* (“Unruh”), and the California Disabled Persons Act (“CDPA”), Cal. Civ. Code § 54 *et seq.* at the Remaining BKLs.

1.5 On July 12, 2010, the Court Granted Final Approval of the settlement agreement in *Castaneda v. Burger King Corp.*, 08-4262 WHA (“the *Castaneda* Settlement”). That settlement agreement addressed ten (10) California BKLs. This Settlement Agreement does not in any way affect the rights, obligations, or restaurants at issue in the *Castaneda* Settlement.

1.6 The Parties now wish to affect a complete resolution and settlement of all claims, disputes and controversies relating to the allegations of Named Plaintiffs and the Class with respect to the Remaining BKLs, and to resolve their differences and disputes by settling the Lawsuit.

1
2 **No Admission of Liability.** By agreeing to and voluntarily entering into this Agreement,
3 BKC makes no admission or concession, direct or indirect, express or implied, that the
4 Remaining BKLs are or were in any way inaccessible or that BKC has violated the ADA,
5 Unruh or the CDPA or any other federal, state, or local law, building code, regulation,
6 order, or rule with respect to the Remaining BKLs. Nothing in this Agreement shall
7 operate as an admission by BKC in any context other than within the settlement of this
8 Lawsuit that any particular standard or standards are applicable under the ADA, Unruh,
9 the CDPA or any other federal or state law to any Burger King restaurant. Nor shall any
10 party, or its counsel, make reference to this Agreement as support for any future claim
11 against any Burger King® restaurant.

12
13 **Definitions.** In addition to the terms defined elsewhere in the Agreement, the following
14 terms shall have the meanings set forth below. Any terms not defined herein shall have
15 the meaning ascribed to them in the ADA, the Standards and/or the CBC.

16
17 3.1 “CBC” shall refer to those portions of the California Building Code that provide
18 standards for ensuring accessibility for individuals who use wheelchairs and scooters,
19 including but not be limited to part 2 of title 24 of the California Code of Regulations.

20
21 3.2 “Class” means the class and/or subclasses of all individuals with mobility-impairment
22 disabilities who use wheelchairs or electric scooters for mobility who, at any time on or
23 after October 16, 2006, were denied, or are currently being denied, on the basis of their
24 mobility-impairment disability, full and equal enjoyment of the goods, services, facilities,
25 privileges, advantages, or accommodations of one or more of the Remaining BKLs.

26
27 3.3 “Class Member” means any member of the Class.

28
3.4 “Class Counsel” means Amy F. Robertson and Timothy P. Fox of Fox & Robertson,
P.C., Bill Lann Lee, Julia Campins, Andrew Lah, and Joshua Davidson of Lewis,
Feinberg, Lee, Renaker & Jackson, P.C., and Mari Mayeda.

3.5 “Costs” means all out-of-pocket expenses reasonably incurred through the date of final
approval and shall include (but not be limited to) amounts paid and payable to experts.

3.6 “Damages Claimants” means all members of the Class who contacted Class Counsel
prior to the date of this Settlement Agreement indicating a desire to seek monetary
recovery in this case as well as all other class members who submit a claim form for
damages under this Settlement Agreement. Damages Claimants includes class members
among the approximately 800 individuals referenced by Class Counsel in DE 171-5, and
listed in Exhibit F to this Agreement, filed under seal.

3.7 “Dispute Resolution” means the process described in Paragraph 11 hereof.

3.8 “Final Approval” means the approval of this Agreement by a United States District Judge by signature of an order in a form substantially similar to that submitted by the Parties that, among other things, attaches this Agreement as an exhibit, retains jurisdiction for the Court for the Term of this Agreement in order to enforce this Agreement, and has become final and non-appealable.

3.9 “Notice Deadline” means the deadline for disseminating and publishing notice to be set by the Court as part of the Preliminary Approval process.

3.10 “Preliminary Approval” means the initial approval by the Court of the terms of this Agreement, which shall occur prior to any notice being provided in accordance with Paragraph 12 of this Agreement.

3.11 “The Remaining BKLs” means the following Burger King restaurants:

3.11.1 No. 609 located at 2101 West Whittier Blvd., La Habra, CA;

3.11.2 No. 726 located at 510 South Euclid St., Anaheim, CA;

3.11.3 No. 733 located at 8845 South Painter St., Whittier, CA;

3.11.4 No. 780 located at 815 Highland Ave., National City, CA;

3.11.5 No. 814 located at 822 North Johnson St., El Cajon, CA;

3.11.6 No. 817 located at 1420 Mission Ave., Oceanside, CA;

3.11.7 No. 835 located at 3747 Rosecrans St., San Diego, CA;

3.11.8 No. 896 located at 4253 Mission Blvd., Pacific Beach, CA;

3.11.9 No. 910 located at 6960 Broadway, Lemon Grove, CA;

3.11.10 No. 912 located at 1919 Artesia Blvd., Redondo Beach, CA;

3.11.11 No. 916 located at 12427 Poway Rd., Poway, CA;

3.11.12 No. 918 located at 1919 Pico Blvd., Santa Monica, CA;

3.11.13 No. 919 located at 3520 Sepulveda Blvd., Los Angeles, CA;

3.11.14 No. 943 located at 911 W. Jefferson Blvd., Los Angeles, CA;

3.11.15 No. 975 located at 175 Calaveras Blvd., Milpitas, CA;

3.11.16 No. 1036 located at 21227 Sherman Way, Canoga Park, CA;

- 1 3.11.17 No. 1038 located at 8030 Van Nuys Blvd., Panorama City, CA;
- 2 3.11.18 No. 1346 located at 1453 West Manchester Ave., Los Angeles, CA;
- 3 3.11.19 No. 1417 located at 12736 South Avalon Blvd., Los Angeles, CA;
- 4 3.11.20 No. 1549 located at 2410 North Cedar Ave., Fresno, CA;
- 5 3.11.21 No. 1572 located at 385 South Kiely, San Jose, CA;
- 6 3.11.22 No. 1646 located at 3630 Tyler St., Riverside, CA;
- 7 3.11.23 No. 1682 located at 8030 Van Nuys Blvd., Panorama City, CA;
- 8 3.11.24 No. 1897 located at 215 North Gaffey St., San Pedro, CA;
- 9 3.11.25 No. 1932 located at 936 Blossom Hill Rd., San Jose, CA;
- 10 3.11.26 No. 1937 located at 24530 Lyons Ave., Newhall, CA;
- 11 3.11.27 No. 2022 located at 601 Colusa Ave., Yuba City, CA;
- 12 3.11.28 No. 2119 located at 2600 Long Beach Blvd., Long Beach, CA;
- 13 3.11.29 No. 2132 located at 1200 East Colorado St., Glendale, CA;
- 14 3.11.30 No. 2149 located at 3150 Harbor Blvd., Costa Mesa, CA;
- 15 3.11.31 No. 2215 located at 13421 Newport Ave., Tustin, CA;
- 16 3.11.32 No. 2268 located at 619 W. Charter Way, Stockton, CA;
- 17 3.11.33 No. 2279 located at 329 North Capitol Ave., San Jose, CA;
- 18 3.11.34 No. 2319 located at 301 West Lacey Blvd., Hanford, CA;
- 19 3.11.35 No. 2359 located at 29136 Roadside Dr., Agoura, CA;
- 20 3.11.36 No. 2399 located at 5540 Cherry Ave., Long Beach, CA;
- 21 3.11.37 No. 2473 located at 1202 W. Ave. I, Lancaster, CA;
- 22 3.11.38 No. 2474 located at 111 South Harding Blvd., Roseville, CA;
- 23 3.11.39 No. 2495 located at 2200 Otis Dr., Alameda, CA;

1 3.11.40 No. 2521 located at 139 N. China Lake Blvd., Ridgecrest, CA;
2
3 3.11.41 No. 2555 located at 450 Leavesley Rd, Gilroy, CA;
4
5 3.11.42 No. 2563 located at East Perkins St., Ukiah, CA;
6
7 3.11.43 No. 2671 located at 525 Pacheco Blvd, Los Banos, CA;
8
9 3.11.44 No. 2795 located at 5315 Hopyard Rd., Pleasanton, CA;
10
11 3.11.45 No. 2867 located at 16025 Monterey Rd., Morgan Hill, CA;
12
13 3.11.46 No. 2891 located at 7201 Fair Oaks Blvd, Carmichael, CA;
14
15 3.11.47 No. 2893 located at 9710 Central Ave., Montclair, CA;
16
17 3.11.48 No. 2901 located at 43627 North 15th St. W, Lancaster, CA;
18
19 3.11.49 No. 2976 located at 13446 Lincoln Way, Auburn, CA;
20
21 3.11.50 No. 3034 located at 1801 Decoto Rd., Union City, CA;
22
23 3.11.51 No. 3147 located at 12513 E. Carson St., Hawaiian Gardens, CA;
24
25 3.11.52 No. 3157 located at 211 North McDowell Blvd., Petaluma, CA;
26
27 3.11.53 No. 3160 located at 4610 East Kings Canyon Rd., Fresno, CA;
28
3.11.54 No. 3208 located at 2055 Eureka Way, Redding, CA;
3.11.55 No. 3217 located at 1571 Fitzgerald Dr., Pinole, CA;
3.11.56 No. 3233 located at 81-779 US Highway 111, Indio, CA
3.11.57 No. 3246 located at 635 East Capitol Expressway, San Jose, CA;
3.11.58 No. 3316 located at 41383 Big Bear Lake Blvd., Big Bear, CA;
3.11.59 No. 3355 located at 680 E. San Ysidro Blvd., San Ysidro, CA;
3.11.60 No. 3441 located at 455 North Humboldt St., Willows, CA;
3.11.61 No. 3459 located at 2090 West Hwy 88, Martell, CA;
3.11.62 No. 3530 located at 1250 9th St., Crescent City, CA;

- 1 3.11.63 No. 3546 located at 261 Race St., San Jose, CA;
- 2 3.11.64 No. 3580 located at 6125 Commerce Blvd., Rohnert Park, CA;
- 3 3.11.65 No. 3587 located at 3746 Mission Ave., Oceanside, CA;
- 4 3.11.66 No. 3777 located at 2734 North Tustin Ave., Orange, CA;
- 5 3.11.67 No. 3827 located at 3098 Story Rd., San Jose, CA;
- 6 3.11.68 No. 4088 located at 227 South Tremont St., Oceanside, CA;
- 7 3.11.69 No. 4405 located at 14600 Valley Blvd., La Puente, CA;
- 8 3.11.70 No. 4514 located at 1901 Webster St., Alameda, CA;
- 9 3.11.71 No. 4552 located at 601 East Dyer Rd., Santa Ana, CA;
- 10 3.11.72 No. 4641 located at 728 West San Marcos Blvd., San Marcos, CA;
- 11 3.11.73 No. 5150 located at 10931 Los Alamitos Blvd., Los Alamitos, CA;
- 12 3.11.74 No. 5869 located at 16 Southland Mall, Hayward, CA;
- 13 3.11.75 No. 6028 located at 4040 Monterey Rd., San Jose, CA;
- 14 3.11.76 No. 6755 located at 2170 Monterey Rd., San Jose, CA;
- 15 3.11.77 No. 6816 located at 1666 2nd St., Norco, CA;
- 16 3.11.78 No. 6931 located at 2500 E. Imperial Hwy, Brea, CA;
- 17 3.11.79 No. 6947 located at 34943 Newark Blvd., Newark, CA;
- 18 3.11.80 No. 9913 located at 6735 North Golden State Blvd., Fresno, CA (for purposes of the
19 Settlement Agreement, "No. 9913" does not include any restrooms);
- 20 3.11.81 No. 10567 located at 23125 Hemlock Ave., Moreno Valley, CA;
- 21 3.11.82 No. 11490 located at 4918 West Sunset Blvd., Los Angeles, CA;
- 22 3.11.83 No. 13284 located at 1541 East 12th St., Oakland, CA;
- 23 3.11.84 No. 13580 located at 377 Vista Village Dr., Vista, CA;
- 24
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3.11.85 No. 15079 located at San Francisco Int'l Airport, San Francisco, CA; and

3.11.86 No. 16563 located at 39519 10th St. West, Palmdale, CA.

3.12 "Successor Remodel" means the remodeling process that occurs when a Tenant's lease agreement is renewed. Such remodeling typically occurs at least once every twenty (20) years.

3.13 "Standards" means the Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A. The version of the Standards in existence at the time of Final Approval of this Agreement shall be the version to which this term refers except that, if amendments to or a different version of the Standards are adopted by the Department of Justice, that different version shall govern any actions taken or required to be taken after the effective date thereof. BKC shall not be required to make alterations to any work it has done prior to that effective date.

3.14 "Tenant" shall mean the operator or successor operator of the Remaining BKLs on or after April 1, 2006 to whom BKC leases or will lease the Remaining BKLs.

4 Conditions Precedent. This Agreement shall be conditioned upon and shall be effective only upon the occurrence of all of the following events.

4.1 Class Counsel and BKC shall jointly request a preliminary approval hearing.

4.2 Class Counsel and BKC shall move jointly for an Order Granting Preliminary Approval of this Agreement and Approving Issuance of Notice in Accordance with the Procedures for Providing Notice Submitted by the Parties, and such motions are, and such motion is granted by the Court.

4.3 The Class shall move for an Order Granting Certification of Settlement Classes for Purposes of Settlement Only and Order Granting Permission to Amend the Complaint for Settlement Purposes Only, which BKC will not oppose, and such motions are granted by the Court. The motion will provide that if the settlement fails to be approved or otherwise fails of consummation then BKC retains all rights to object to the maintenance of an action as a class action.

4.4 Upon preliminary approval of this Agreement, Certification of the Classes and approval of the Notice and the procedures for providing notice, notice shall be provided to the Class in accordance with the procedures for providing notice approved by the Court.

4.5 A Fairness Hearing shall be held in accordance with Paragraph 12 below.

4.6 The Court shall grant Final Approval of this Agreement and enter Judgment in accordance with the terms set forth herein after a Fairness Hearing has been conducted,

and all such orders and approvals have become final and non-appealable. The Judgment shall finally resolve all issues raised in this proceeding.

5 Term of Agreement. This Agreement shall have a term ("Term") that expires four (4) years after the date of Final Approval as defined above, or the date the last Dispute Resolution process is concluded, whichever comes later.

6 Additional Work at the Remaining BKLs.

6.1 BKC will instruct the applicable Tenant/Franchisees to perform the work set forth in Exhibit A hereto at the Remaining BKLs to be completed on or before 150-days following the Final Approval.

6.2 Within one week following completion of all work set forth in Exhibit A hereto, BKC will notify Class Counsel of such completion.

6.3 The applicable accessibility laws and standards provide for conventional building industry tolerances for field conditions. The Parties acknowledge and agree that all work to be performed at the Remaining BKLs under this Settlement Agreement is subject to the acceptable measurements set forth in Exhibit B, hereto.

6.4 Within 90 days of receipt of the notice referred to in Paragraph 6.2 above, Class Counsel shall have the right to inspect the work upon written notice to BKC to verify that it has been completed. Such inspection will be conducted in the presence of BKC or the Tenant/Franchisee operator of the Remaining BKL and will be conducted in a time and manner to cause the least possible disruption to the operation of the Restaurant.

6.4.1 BKC will work collaboratively with Class Counsel and, as necessary, the Tenant/Franchisee operator of the Remaining BKL, to schedule inspections pursuant to this Paragraph 6 within the time designated under this Paragraph. If, after Class Counsel's request to inspect one or more Remaining BKL pursuant to Paragraph 6.4, BKC and/or the Tenant/Franchisee are unable to make the Remaining BKLs available for inspection within the period specified in Paragraph 6.4, the time for Class Counsel to inspect those Restaurants will be increased accordingly.

6.5 If Class Counsel believes that the work required by Exhibit A has not been completed satisfactorily, they shall inform BKC in writing of such insufficiency in detail reasonably sufficient to allow BKC to determine the nature of insufficiency. BKC shall have 150 days from the receipt of that notice to perform the work and provide documentation to Class Counsel of completion of the work or to submit the matter to Dispute Resolution pursuant to Paragraph 11 hereof.

7 Policies, Practices and Procedures.

7.1 Surveys

7.1.1 Daily Opening Path of Travel Checklist

7.1.1.1 BKC will provide each Tenant a Daily Opening Path of Travel Checklist that includes the following:

Under “Exterior” add the text “● No Obstructions”

Under “Dining Room Clean and Inviting” add the text “● Condiment and tableware dispensers at the front of the counter.”

Under “Rest Rooms” add the text “● No Obstructions - Accessible to Wheelchairs.”

Under “Front Counter Clean and Organized” add after “uncluttered” the text “-- especially any lowered area.”

Add to the appropriate sections, “Make sure that automatic door openers are working”

7.1.1.2 BKC will add the following text to its manual:

Prepare restaurant for all guests, including those who use wheelchairs, scooters or walkers, including

Accessible parking spaces are free of obstructions;

There is a clear path to the counter, drinks, condiments and accessible seats that is free of obstructions such as high chairs, advertising stands, etc.

Any lowered area of the counter is free of obstructions such as promotional material, games, brochures, etc.

All condiment and tableware dispensers are pulled to the front of the counter to be within reach ranges.

Restrooms are free of obstructions and the trash can is not in the clear floor space by any of the fixtures.

7.1.1.3 BKC will require each Tenant to perform the tasks set forth therein each day just prior to the Remaining BKL's opening.

7.1.2 Door force checks

BKC will recommend to each Tenant/Franchisee that they measure at least twice per month the force required to open all restroom doors and public exterior doors to ensure that they do not require more than 5 pounds of pressure to open.

7.1.3 Triennial surveys

7.1.3.1 At least once every three years, BKC will cause to be surveyed, by a surveyor knowledgeable in the requirements of the CBC and ADA, each Remaining BKL using the form attached as Exhibit C.

7.1.3.2 The form shall document any deviations from the applicable requirements under this Settlement Agreement, the corrective actions that BKC will require of the Tenant/Franchisee, and the timing of such corrective action.

7.1.4 Successor remodel surveys

7.1.4.1 When a Remaining BKL undergoes a Successor Remodel, BKC will ensure that the Tenant/Franchisee shall hire a registered architect (the "Surveying Architect") to survey the Remaining BKL using the form attached as Exhibit D ("Successor Survey Form").

7.1.4.2 Following completion of the Successor Remodel, BKC will ensure that the Surveying Architect re-surveys the Remaining BKL using the Successor Survey Form, and confirms that the remodeled restaurant complies with the Settlement Agreement.

8 Monitoring of Compliance.

8.1 The Parties shall monitor BKC's compliance with Paragraph 7 as more fully described in this Paragraph 8.

8.2 No more than once each year (commencing from the date of Final Approval of this Agreement), Class Counsel may request from BKC a copy of all documents documenting Triennial and Successor Remodel surveys that were completed during the prior calendar year. Within 30 days of such request, BKC will provide the requested documents, as well as documentation sufficient in BKC's reasonable judgment to demonstrate that necessary corrective actions, if any, have been completed.

9 Monetary Relief and Claims Procedure.

1 9.1 Gross Settlement Fund

2 9.1.1 To satisfy and settle all claims for attorneys' fees and costs, and all claims for damages of
3 the Named Plaintiffs and the Damages Claimants in this Lawsuit, BKC will pay the sum of
4 nineteen million (19,000,000) dollars (the "Gross Settlement Fund").

5 9.1.2 Creation of Funds

6 9.1.2.1 Within thirty (30) days after the time for appeals of the order granting final
7 approval has run, or all appeals have been resolved, BKC shall cause to be
8 transferred to an interest-bearing trust account designated by Class Counsel (the
9 "Account") the sum of nineteen million (19,000,000) dollars. All interest earned
10 on the Account between the time the Settlement Funds are deposited and the time
11 the Settlement Funds are distributed to the Named Plaintiffs and "Eligible
12 Claimants" (as that term is defined in Paragraph 9.3 herein), less taxes owed on
13 such interest, shall be used to pay the Named Plaintiffs and the Eligible Claimants
14 and certain Administration and Notice Costs (if such Costs exceed the amounts
15 set forth in Paragraphs 9.2.1 and 9.2.2) in accordance with the provisions of this
16 Agreement.

17 9.1.2.2 Named Plaintiffs shall retain an independent claims administrator (the "Claims
18 Administrator") to: (1) distribute notice and Claims Forms; (2) receive and track
19 returned Claims Forms; (3) obtain supplemental information from claimants, as
20 necessary; (4) receive and forward to the Parties and the Court Objections; (5)
21 verify the validity of each claim submitted and certify those who are Eligible
22 Claimants as defined in Paragraph 9.3 below; (6) administer and disburse awards
23 from the Settlement Funds; and (7) perform such other duties as are necessary to
24 carry out the provisions of the Agreement. The Parties agree that the claims
25 administrator will have check writing authority on the Account as necessary and
26 appropriate to satisfy their responsibilities under this Agreement.

27 9.2 Use of Gross Settlement Fund. The Gross Settlement Fund will be used as follows:

28 9.2.1 Attorneys' Fees and Costs.

9.2.1.1 Class Counsel will apply to the District Court for an award from the Gross
Settlement Fund of the reasonable costs incurred by Class Counsel in litigating
this action through final approval. Such costs shall not include the first \$100,000
of Administration and notice Costs, which, as set forth below, will be paid by
Class Counsel from their fee award.

9.2.1.2 Class Counsel will apply to the District Court for an award from the Gross
Settlement Fund of their reasonable fees incurred in litigating this action through
final approval. The amount of this request will not exceed 25% of the Gross
Settlement Fund after deduction of the costs identified in Paragraph 9.2.1.1.

1 9.2.1.3 Class Counsel will not seek any additional attorney's fees or costs of any kind for
 2 work done on this case, excepting only attorneys' fees awarded as a prevailing
 3 party under the dispute resolution process set forth herein. BKC shall not oppose
 4 a request by Class Counsel for reasonable attorneys' fees and costs.

5 9.2.2 Administration and Notice Costs. From the fee award, Class Counsel will pay the costs
 6 and expenses billed by the Claims Administrator, including the costs for notice, in an
 7 amount not to exceed \$100,000. To the extent that the costs and expenses billed by the
 8 Claims Administrator, including for notice, exceed \$100,000, those excess amounts will be
 9 paid from the Gross Settlement Fund.

10 9.2.3 Payments to Eligible Claimants. The funds remaining in the Gross Settlement Fund after
 11 the above disbursements shall be referred to as the "Net Settlement Fund," which will be
 12 used to pay Eligible Claimants in the manner and amount described below.

13 9.2.4 To the extent that there are any funds remaining in the Net Settlement Fund after the
 14 distribution to Eligible Claimants, such funds will be used as set forth in Paragraph 9.6. In
 15 no event shall any funds from the Gross Settlement Fund or Net Settlement Fund revert
 16 back to BKC.

17 9.3 Eligibility for Payments from the Net Settlement Fund. To be an "Eligible Claimant" and
 18 be eligible for an award from the Net Settlement Fund, an individual must satisfy each
 19 and all of the following criteria:

20 9.3.1 Return a completed "Claim Form" (in a form substantially similar to that attached hereto as
 21 Exhibit E) that is postmarked by no later than the deadline stated in the Claim Form;

22 9.3.2 Declare under penalty of perjury that he/she is an individual who used or uses a wheelchair
 23 or scooter for mobility who has been to a Remaining BKL between October 16, 2006 and
 24 the Final Approval date;

25 9.3.3 Declare under penalty of perjury which of the Remaining BKL(s) that he/she visited;

26 9.3.4 Declare under penalty of perjury that, between October 16, 2006 and the Final Approval
 27 date, he/she visited a Remaining BKL and encountered an architectural barrier that
 28 hindered his/her access at the Remaining BKL, or was deterred from entering a Remaining
 BKL because of an architectural barrier of which he/she was aware;

9.3.5 Describe under penalty of perjury the manner in which his/her access was hindered or
 deterred at the Remaining BKL. A visit that complies with Paragraphs 9.3.4 and 9.3.5
 shall be referred to as a "Qualifying Visit."

9.3.6 Declare under penalty of perjury the number of Qualifying Visits to each Remaining BKL
 that he/she has had between October 16, 2006 and the Final Approval date;

1 9.3.7 Cooperate with the efforts of the Claims Administrator to process and verify the claim; and

2 9.3.8 Not previously have released his/her claims against BKC for the time period October 16,
3 2006 to the Final Approval date with respect to the Remaining BKLs.

4 9.3.9 Named Plaintiffs shall be eligible for payments from the Net Settlement Fund in
5 accordance with the same criteria and procedures applicable to other Eligible Claimants.

6 9.4 Claims Determination Process.

7 9.4.1 Distribution of Claim Forms. Commencing with the Notice Deadline set by the Court and
8 continuing through the Claim-filing deadline provided in Paragraph 9.4.2 herein, the
9 Claims Administrator shall mail a Claim Form to all Damages Claimants and any
10 additional individuals who may be eligible for damages. The Claims Administrator shall
11 mail a Claim Form within three (3) business days after receiving the identity of a Damages
12 Claimant. Any written request for Claim Forms received by Class Counsel or BKC's
13 counsel shall be forwarded to the Claims Administrator by electronic mail or facsimile
14 within forty-eight (48) hours (excluding weekends and holidays) of its receipt. Any
15 potential Damages Claimant who telephones Class Counsel or BKC's counsel and requests
16 a Claim Form shall be referred to the Claims Administrator.

17 9.4.2 Filing of Completed Claim Forms. All claims for monetary payment from the Net
18 Settlement Fund shall be made in writing using the Claim Form. All Claim Forms must be
19 signed by the claimant under penalty of perjury. Each potential Eligible Claimant,
20 including minors, must submit his/her own Claim Form. A parent, legal guardian or next
21 of kin may complete and sign a Claim Form on behalf of a minor. A designated
22 representative may complete and sign a Claim Form on behalf of a claimant who, because
23 of disability, incapacity or death cannot complete and sign the claim form. If a potential
24 Eligible Claimant experienced more than one discriminatory incident, all such incidents
25 must be detailed on one (1) Claim Form. All Claim Forms must be mailed to the Claims
26 Administrator and postmarked by no later than the date that is twenty (20) days after the
27 final approval hearing.

28 9.4.3 Review of Completeness of Claim Forms. The Claims Administrator shall initially review
all Claim Forms to determine if the form is filled out completely and is signed properly. If
the Claim Form is incomplete or is not signed properly, the Claims Administrator shall
return the Claim Form to the claimant and the claimant shall be given thirty (30) days from
the date of that mailing within which to return to the Claims Administrator the Claim Form
completed and/or signed properly. The failure of a claimant to complete, sign and return
his or her Claim Form within thirty (30) days shall result in a denial of his or her claim.

9.4.4 Approval of Claims. The Claims Administrator shall then conduct a review of all Claim
Forms to determine whether they present valid claims in accordance with the terms and
provisions of this Agreement. All claimants whose claims are determined to be valid by
the Claims Administrator shall be eligible for an award from the Net Settlement Fund.

9.4.5 Disputed Claims. If upon initial review of the Claim Form, the Claims Administrator is unable to determine the validity of the claim, the Claims Administrator shall so notify the claimant in writing and state the reasons why the information contained on the Claim Form is insufficient to determine the validity of the claim. The claimant shall be given thirty (30) days from the date of mailing of the notification in which to supplement or amend the Claim Form or provide such other information he or she wishes to assist the Claims Administrator in determining the validity of the claim. Upon further review of the Claim Form, including such additional information as may be submitted by the claimant, the Administrator shall (i) approve the claim, in which case, the claimant is eligible for an award from the Funds; or (ii) reject the claim.

9.4.6 Rejected Claims. If the Claims Administrator rejects a claim as not meeting the terms or provisions of this Agreement, the Administrator shall so notify the claimant in writing.

9.4.7 Deadline for Administrator Review of All Claims. The Claims Administrator shall complete its review and issue a determination as to the validity of all Claim Forms within ninety (90) days of the deadline for submission of Claim Forms set forth in Paragraph 9.4.2.

9.4.8 Determination – Final and Binding. All determinations of the Claims Administrator shall be final, binding, and non-appealable. Neither Class Counsel nor BKC shall have any responsibility for or role in the claims determination process.

9.5 Class Monetary Distribution.

9.5.1 The maximum number of Qualifying Visits for which an Eligible Claimant may obtain recovery is six (6).

9.5.2 The amount that an Eligible Claimant may recover for each Qualifying Visit shall be determined by dividing the Net Settlement Fund by the Total Qualifying Visits, where the Total Qualifying Visits is the sum of all Eligible Claimant's Qualifying Visits (not to exceed six such Visits for a single Eligible Claimant).

9.5.2.1 By way of example, if (a) the Net Settlement Fund is \$14 million; (b) there are 1500 Eligible Claimants, and (c) the sum of all Qualifying Visits for all Eligible Claimants (with no single class member eligible for more than six visits) is 4500, then the amount that an Eligible Claimant would recover for a Qualifying Visit would be (\$14 million / 4500), or \$3,111.11 per Qualifying Visit. Under this scenario, an Eligible Claimant seeking recovery for one Qualifying Visit would receive \$3,111.11, and an Eligible Claimant seeking recovery for six or more Qualifying Visits would receive \$18,666.67.

9.5.3 No later than ten (10) days after the deadline for completion of the claims determination process set forth in Paragraph 9.4, the Claims Administrator shall provide Class Counsel and BKC with a list of the names, addresses, telephone numbers, email addresses, a copy

of the claims forms, and the pro rata amount of the validated claim from the Net Settlement Fund, of all persons who have submitted claims in connection with the Lawsuit.

9.5.4 No later than twenty (20) days after the deadline for completion of the claims determination process set forth in Paragraph 9.4, the Claims Administrator shall cause to be mailed, via certified mail, return receipt requested, checks in the amounts specified in the claims determination process, and 1099 forms to Eligible Claimants. All checks shall be negotiable for no more than one (1) year from the date of mailing.

9.5.5 Returned checks. When the Claims Administrator receives a returned check based on an incorrect address, it will conduct a database search for an additional address and, if an additional address is identified, the Claims Administrator will re-mail the check to that address within 14 days of its receipt of the returned check. All returned checks of claimants for whom no correct address is obtained shall be held by the Claims Administrator for sixty (60) days. If no claim is made for such checks during this time period, the funds from such checks shall become part of the funds to be allocated to Cy Pres and distributed in accordance with Paragraph 9.6 of this Agreement.

9.6 Cy Pres.

9.6.1 In the event that there are funds remaining in the Net Settlement Fund as a result of returned or uncashed checks or otherwise, and a period of one hundred (100) days has elapsed from the date on which settlement checks are mailed by the Claims Administrator, then such remaining amounts shall be used first to pay any otherwise valid claims that were excluded from the Class Monetary Distribution through error or omission of the Claims Administrator, or for which the Claims Administrator determines good cause exists for payment. Any further balance remaining shall be paid to Disability Rights California.

10 Opt-Out Right.

10.1 No Class Member may opt out of the injunctive relief provisions of this Agreement.

10.2 Any Damages Claimant may request exclusion from the Class for purposes of monetary relief only. Damages Claimants who wish to opt out of the Class for purposes of participation in the monetary portion of the settlement must submit a written and signed request for exclusion ("Opt-Out Statement") to the Claims Administrator. Opt-Out Statements must be postmarked and mailed to the Claims Administrator not later than sixty (60) days after the Notice Deadline set by the Court. Any class member who has filed a request to opt-out of the Agreement may rescind this opt-out by no later than twenty (20) days after the final approval hearing.

10.3 The Claims Administrator shall stamp the date received on the original of any Opt-Out Statement it receives and serve copies of the Statement on Class Counsel and BKC counsel not later than three (3) business days after receipt thereof and shall file the date-stamped originals of any Opt-Out Statements with the Clerk of the Court not later than

ten (10) business days prior to the date set for the final approval hearing. The Claims Administrator shall retain copies of all Opt-Out Statements in its files until such time as the Claims Administrator is relieved of its duties and responsibilities under this Agreement.

10.4 If the number of Damages Claimants who opt out of the Class in the manner provided in this Agreement exceeds 100, or consists of Damages Claimants whose claims, in the aggregate, exceed \$1.5 million, then BKC, at its sole option, shall have the right to void this settlement on the tenth (10th) day after the Court requires individuals to return opt out notices. If BKC exercises this option, all of the Parties' obligations under this Agreement shall cease to be of any force and effect, and the Agreement and any orders entered in connection therewith shall be vacated, rescinded, canceled, and annulled, and the Parties shall return to the status quo in the Lawsuit as if the Parties had not entered into the Agreement, including return of all payment(s) BKC may have made hereunder, if any. In addition, the Agreement and all negotiations, court orders and proceedings relating thereto shall be without prejudice to the rights of any and all Parties hereto, and evidence relating to the Agreement and all negotiations shall not be admissible or discoverable in the Lawsuit or otherwise.

11 **Dispute Resolution.** The Parties shall address disputes relating to the provisions of this Agreement as follows.

11.1 Informal dispute resolution

11.1.1 If any Party believes that a dispute exists relating to the provisions of this Agreement, it shall notify the other Party in writing, describing the dispute. The other Party shall respond in writing to such notice within fifteen (15) business days of receipt of the notice.

11.1.2 Within fifteen (15) business days of receipt of the response described in Paragraph 11.1.1, counsel for both Parties shall meet and confer by telephone or in person and attempt to resolve the issue informally. If the Parties believe it would be useful to enter mediation on the issue in dispute, they may agree to do so.

11.2 Submission to the Court

11.2.1 If the meet and confer process pursuant to Paragraph 11.1 above does not result in a resolution of the dispute within a reasonable time, any Party may make a motion for resolution of the dispute by Judge William Alsup or any other United States District Judge who may be assigned to the case.

11.2.2 In the event any Party finds that it is necessary to seek resolution of the dispute by the Court, the Court shall award reasonable attorneys' fees and Costs incurred in pursuing dispute resolution as set forth in this Paragraph 11.2 in accordance with the prevailing party standards of the ADA and *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 421-22 (1978). Should BKC prevail on two separate occasions on which a dispute is brought

before the Court, the *Christiansburg Garment* standard shall not apply in ensuing occasions on which a dispute is brought before the Court, but rather the Court shall award fees to the prevailing party.

12 Preliminary Approval, Objections and Fairness Hearing.

12.1 Promptly after execution of this Agreement, the Parties shall jointly request that the Court schedule a preliminary approval hearing on June 28, 2012 or as soon thereafter as the Court may set the hearing and that the Court enter an Order Granting Preliminary Approval of this Agreement and Preliminarily Certifying the Class(es) for Settlement Purposes Only, and Approving the Proposed Form of Notice and Plan for Providing Notice Submitted by the Parties.

12.2 The Parties shall ask the Court to schedule a fairness and final approval hearing for a date after October 11, 2012 or eighty (80) days after the Notice Deadline set by the Court, whichever is later, or as soon thereafter as the Court may set the hearing.

12.3 Any Class Member may object to the proposed Agreement by filing, within sixty (60) days after the Notice Deadline set by the Court, written objections with the Clerk of the Court as provided by the Court's Order of Preliminary Approval of Settlement. Responses by BKC and Class Counsel to any timely-filed objections shall be made no less than five (5) days before the Fairness Hearing as provided by the Court's Order.

13 Notice

13.1 Notice of this Agreement (the "Injunctive Notice"), which shall be in a form approved by the Court, will be provided to Class Members informing them of: (1) a general description of the injunctive terms of this Agreement; and (2) their right to object to the Agreement.

13.2 Notice of this Agreement (the "Damages Notice"), which shall be in a form approved by the Court, will be provided to the Damages Claimants informing them of: (1) a general description of the terms of this Agreement; and (2) their right to object to the Agreement; and (3) the prerequisites for recovery of damages.

13.3 The Notice, and the plan for providing notice must satisfy the requirements of Federal Rule of Civil Procedure 23 to the extent applicable and applicable legal precedent, and must be approved by the Court. In their motion seeking preliminary approval of the Agreement, the Parties will propose a Notice Deadline and the proposed Notice Deadline will be as soon as reasonably possible.

14 Judgment, Final Approval and Dismissal.

14.1 At the time of the Fairness Hearing, the Parties shall jointly request that the Court enter a Final Judgment and Order in a form agreeable to the Parties granting Final Approval of this Agreement and Finally Certifying the Class(es) for Settlement Purposes Only. Among other things, the Final Judgment and Order shall attach this Agreement as an exhibit and shall provide that the Court retains jurisdiction through the Term of the Agreement in order to enforce this Agreement.

14.2 This Lawsuit shall be dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure, no later than thirty (30) days following the expiration of the Term of this Agreement.

14.3 The Court will retain continuing and exclusive jurisdiction over the Parties, including jurisdiction over the members of the Class(es), for purposes of enforcing, implementing, and interpreting this Settlement.

15 Terms Not Confidential; Communication with the Press.

15.1 The terms of this Agreement shall not be confidential.

15.2 However, Class Counsel and Named Plaintiffs have agreed not to issue a press release concerning the Agreement.

15.3 Class Counsel or BKC may discuss the Agreement with members of the media provided that neither shall make any statement to the media, written or verbal, that is inconsistent with the fact that BKC has denied all allegations of discrimination, no finding has been made against BKC, and that BKC, as part of the settlement process, has worked diligently and in good faith to ensure accessibility for the disabled at the Remaining BKLs, nor that is inconsistent with the Parties' obligation under Paragraph 24 hereof. Neither class counsel nor class plaintiffs shall attempt to characterize the size of the settlement vis a vis other cases in any extra judicial statement, nor shall they make mention of the role or participation of BKC's insurance carriers in any such media statements or otherwise.

16 Releases

16.1 Release of Claims for Injunctive Relief

16.1.1 Effective on the date of Final Approval, Named Plaintiffs and all Class Members and each of their spouses, executors, successors, heirs, assigns, administrators, agents and representatives (collectively, the "Injunctive Releasing Parties"), in consideration of the relief set forth herein, the sufficiency of which is expressly acknowledged, unconditionally

1 and forever do fully and finally release, acquit, and forever discharge BKC and the
 2 Franchisees, as well as their present, former and future parents, subsidiaries, officers,
 3 directors, employees, shareholders, administrators, executors, affiliates, insurers, attorneys,
 4 successors, assigns, and guarantors and all persons or entities that own, operate or lease the
 Remaining BKLs covered by this Decree (the “BKC Parties”) from the Released Injunctive
 Claims as defined below.

5 16.1.2 The “Released Injunctive Claims” are any and all claims, rights, demands, charges,
 6 complaints, actions, suits and causes of action, whether known or unknown, suspected or
 7 unsuspected, accrued or unaccrued, for injunctive, declaratory or other non-monetary
 8 relief, however described, based on conduct preceding Final Approval of this Agreement
 9 that were brought, could have been brought or could be brought now or in the future that
 relate in any way to the accessibility of the Remaining BKLs to persons who use
 wheelchairs or scooters under:

10 16.1.2.1 Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181 *et*
 11 *seq.*, including all applicable rules, regulations, and standards thereunder;

12 16.1.2.2 Cal. Civ. Code §§ 51, *et seq.*, and § 54, *et seq.*, including all applicable
 13 rules and regulations and standards thereunder;

14 16.1.2.3 Cal. Code Regs., tit. 24 and all rules and regulations promulgated
 15 thereunder, and any other provision of California law to the extent it grants a right
 16 of action for alleged violations of the foregoing; and

17 16.1.2.4 Any state or local statutory, administrative, regulatory or code provisions
 18 that either (a) directly incorporate Title III of the Americans with Disabilities Act
 19 or any of the rules or regulations promulgated thereunder or (b) set forth standards
 20 or obligations coterminous with or equivalent to Title III of the Americans with
 Disabilities Act or any of the rules or regulations promulgated thereunder.

21 16.1.3 The “Released Injunctive Claims” also include all claims, rights, demands, charges,
 22 complaints, actions, suits, causes of action or liabilities of any kind for injunctive,
 23 declaratory or other non-monetary relief, however described, (collectively, for this
 24 subparagraph, “claims”) regarding the accessibility of the Remaining BKLs to the mobility
 impaired that arise during the Term of this Decree.

25 16.1.4 To the extent permitted by law, the final entry of this Decree will be fully binding and
 26 effective for purposes of res judicata and collateral estoppel upon BKC, its franchisees and
 27 the Class Members with respect to claims for injunctive or declaratory relief under Title III
 28 of the ADA, and any other federal, state, or local law, rule or regulation, order, or
 ordinance relating to or concerning access for persons with mobility disabilities at the

1 Remaining BKLs. Nothing in this Section, however, will prevent Class Counsel from
2 enforcing this Decree.

3 16.2 Release of Claims for Accessibility Damages (Named Plaintiffs and Damages Claimants
4 Only).

5 16.2.1 Effective on the date of Final Approval, Named Plaintiffs and all Damages Claimants and
6 each of their spouses, executors, successors, heirs, assigns, administrators, agents and
7 representatives (collectively, the “Damages Releasing Parties”), in consideration of the
8 relief set forth herein, the sufficiency of which is expressly acknowledged, unconditionally
and forever do fully and finally release, acquit, and forever discharge the BKC Parties from
the Released Damages Claims as defined below.

9 16.2.2 The “Released Damages Claims” are any and all claims, rights, demands, charges,
10 complaints, actions, suits, causes of action, and liabilities of any kind, whether known or
11 unknown, suspected or unsuspected, accrued or unaccrued, for changes if any kind
(including, but not limited to, statutory, actual, compensatory, consequential, special,
12 emotional harm or punitive damages) based on conduct preceding Final Approval of this
13 Agreement that were brought, could have been brought or could be brought now or in the
14 future that relate in any way to the accessibility of the Remaining BKLs to persons who
use wheelchairs or scooters.

15 16.2.3 The “Released Damages Claims” also include all claims, rights, demands, charges,
16 complaints, actions, suits, causes of action or liabilities of any kind for statutory, actual,
17 compensatory, consequential, special, emotional harm or punitive damages relating to the
accessibility of the Remaining BKLs to the Named Plaintiffs and Damages Claimants that
18 arise during the Term of this Agreement.

19 16.2.4 To the extent permitted by law, the final entry of this Decree will be fully binding and
20 effective for purposes of res judicata and collateral estoppel upon BKC, its franchisees,
Named Plaintiffs and all Damages Claimants with respect to claims of any kind for
21 damages or monetary relief (including statutory, actual, compensatory, consequential,
22 special, emotional harm or punitive damages) relating in any way to the accessibility of the
Remaining BKLs.

23 16.2.5 Known or Unknown Claims. The Damages Releasing Parties and the Injunctive Releasing
24 Parties shall collectively be referred to as the “Releasing Parties.” The Releasing Parties
25 understand and expressly agree that this AGREEMENT extends to all claims of every
26 nature and kind, known or unknown, suspected or unsuspected, past, present, or future,
arising from or attributable to any conduct of the BKC Parties, whether known by the
27 Releasing Parties or whether or not any Releasing Party believes he or she may have any
claims, and that any and all rights granted to the Releasing Party under Section 1542 of the
28 **California Civil Code** or any analogous state law or federal law or regulations, are hereby

expressly WAIVED, if applicable. Said Section 1542 of the **California Civil Code** reads as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

17 No Third Party Beneficiaries.

17.1 Nothing in this Agreement, express or implied, is intended to or shall confer upon any person or entity not a Party to this Agreement any right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

17.2 Individual class members shall not be deemed to be third-party beneficiaries of this Agreement, and they shall have no right to bring any action for any alleged violation of this Settlement. Only the Named Plaintiffs through Class Counsel may seek to enforce the terms of this Agreement through the Dispute Resolution process provided for herein or before the Court. To the extent individual class members have complaints regarding BKC's implementation or performance of the terms of this Agreement, they must bring them to the attention of the Named Plaintiffs and/or Class Counsel.

18 Entire Agreement. This Agreement contains all the agreements, conditions, promises and covenants among BKC, Named Plaintiffs, Class Counsel, the Class, and the Damages Claimants regarding matters set forth in it and supersedes all prior or contemporaneous agreements, drafts, representations or understandings, either written or oral, with respect to the subject matter of the present Agreement.

19 Communications to BKC and Class Counsel. All notices or communications required by this Agreement shall be in writing by facsimile and U.S. Mail or overnight delivery service addressed as follows:

19.1 To Named Plaintiffs, Class Counsel or the Class:

Bill Lann Lee
Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
476 – 9th Street
Oakland, CA 94607
510.839.6824
Fax: 510.839.7839

and

Amy F. Robertson

Timothy P. Fox
Fox & Robertson, P.C.
104 Broadway
Suite 400
Denver, CO 80203
303.595.9700
facsimile: 303.595.9705

19.2 To Burger King Corporation

5505 Blue Lagoon Drive
8th Floor - Legal Department
Miami, FL 33126

Craig Prusher, Esq.
Burger King Corporation
5505 Blue Lagoon Drive
8th Floor - Legal Department
Miami, FL 33126
305.378.238
Fax: 305.378.3190

Michael Joblove
Jonathan E. Perlman
Genovese Joblove & Battista, P.A.
Miami Tower, 44th Floor
100 S.E. Second Street
Miami, FL
305.349.2300
Fax: 305.349.2310

Either party may change the individuals to whom notices and communications required by this Agreement shall be sent by providing the other party with written notification that it wishes to do so.

Modification. Prior to Final Approval, this Agreement can only be amended by written agreement of the Parties hereto. Following Final Approval, no modification of this Agreement shall be effective unless it is pursuant to Court Order.

Severability. If any provision or any part of this Agreement thereof shall at any time be held unlawful, or inconsistent with applicable law, in whole or in part, under any federal, state, county, municipal or other law, ruling or regulation, then the remaining provisions of this Agreement shall remain effective and enforceable.

Drafting of this Agreement. This Agreement is deemed to have been drafted by all Parties hereto, as a result of arm's length negotiations among the Parties. Whereas all

Parties have contributed to the preparation of this Agreement, it shall not be construed more strictly against one Party than another.

Execution by Facsimile and in Counterparts. This Agreement may be executed by the Parties hereto by facsimile and in separate counterparts, and all such counterparts taken together shall be deemed to constitute one and the same agreement.

Duty to Support and Defend Agreement. Named Plaintiffs, Class Counsel and BKC each agree to abide by all of the terms of this Agreement in good faith and to support it fully, and shall use their best efforts to defend this Agreement from any legal challenge, whether by appeal or collateral attack.

Force Majeure. Failure of BKC to perform any action required by this Decree will not subject it to any liability or remedy for damages or otherwise if such failure is caused in whole or in part by circumstances beyond the control of BKC, including but not limited to acts of God, fires, accidents, earthquakes, explosions, floods, wars, labor disputes or shortages, riots, sabotage, compliance with any law or direction made by any governmental authority (including permitting), unavailability of disabled-accessible equipment or controls, or any similar or dissimilar circumstances beyond the control of BKC; provided, however, that BKC has timely commenced the procedures and modifications required by this Decree in good faith and with due diligence. If the force majeure requires only a delay in BKC's compliance with the terms of this Decree, then the time requirements established in this Decree will be delayed only to the extent required by the force majeure.

Amounts Paid Not Penalty. It is understood that no amount paid or expended by BKC in its performance of this Decree constitutes a penalty, fine, punitive damages, or other form of assessment for any alleged claim or offense.

Receipt of Advice of Counsel. The Parties acknowledge and warrant to each other that they have fully read this Decree, have received independent legal advice regarding the advisability of entering into this Decree, and fully understand its effect.

Power and Authority. The Parties represent that they have the power and authority to execute and deliver this Decree and to perform the obligations hereunder, and that each person executing this Decree on each party's behalf has been authorized to sign on behalf of the respective party and to bind each to the terms of this Decree.

Continuing Jurisdiction. The Parties agree that the United States District Court for the Northern District of California shall have continuing jurisdiction throughout the Term of this Agreement to interpret and enforce this Agreement.

Deadlines. The Parties and the Court recognize that from time to time unforeseen events, such as exigent business circumstances, labor disputes, natural disasters, personnel issues, and negotiations with third parties, cause delays in the accomplishment of objectives no matter how well intentioned and diligent the Parties may be. Accordingly, with regard to

1 the provisions of this Agreement that require that certain acts be taken within specified
2 periods, the Parties understand and agree that Court approval shall not be required for
3 reasonable extensions of deadlines. In the event that any Party determines that an action
4 required by this Agreement cannot be taken within the specified time period, that Party
5 shall promptly notify the other Parties that it anticipates a delay, the reasons for the delay
6 and a proposed alternative deadline. The Parties shall endeavor to cooperate in
7 reasonably rescheduling such deadlines. However, if the other Party does not agree to the
8 proposed delay, the Parties shall submit the matter to Dispute Resolution.
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1 Mohan Vallabhapurapu

Burger King Corporation

2
3 By: [Signature]

4 Date:

Its General Counsel

5 Ron Sarfaty

Date: JUNE 1, 2012

6
7 Date:

8 Kenneth Kilgore

9
10
11 Date:

12 Tyrey Mills by and through his next friend and
13 mother, Ginene Mills

14
15 Date:

16 Jenilyn Jimenez

17
18
19 Date:

20 Elizabeth Baker

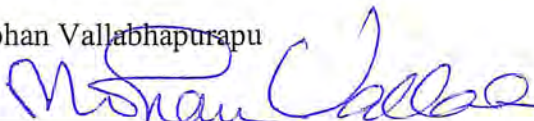
21
22 Date:

23 William Farber

24
25
26 Date:

1 Mohan Vallabhapurapu

Burger King Corporation

2 

By: _____

3 Date: 17 MAY 2012

Its _____

4 Ron Sarfaty

Date: _____

6
7 Date:

8 Kenneth Kilgore

9
10
11 Date:

12 Tyrey Mills by and through his next friend and
13 mother, Ginene Mills

14
15 Date:

16 Jenilyn Jimenez

17
18
19 Date:

20 Elizabeth Baker

21
22 Date:

23 William Farber

24
25
26 Date:

1 Mohan Vallabhapurapu

Burger King Corporation

2
3 By: _____

4 Date:

Its _____

5 Ron Sarfaty

Date: _____

6 *Ron Sarfaty*

7 Date: *5/20/2012*

8 Kenneth Kilgore

9
10
11 Date:

12 Tyrey Mills by and through his next friend and
13 mother, Ginene Mills

14
15 Date:

16 Jenilyn Jimenez

17
18
19 Date:

20 Elizabeth Baker

21
22 Date:

23 William Farber

24
25
26 Date:

27
28 CASE NO. C-11-00667 WHA
Vallabhapurapu v. Burger King Corp.

SETTLEMENT AGREEMENT

1 Mohan Vallabhapurapu

Burger King Corporation

2
3 By: _____

4 Date: _____

Its _____

5 Ron Sarfaty

Date: _____

6
7 Date: ⁵⁻¹⁵5-17-12

8 Kenneth Kilgore

9
10 Kenneth Kilgore

11 Date: 5-18-12

12 Tyrey Mills by and through his next friend and
13 mother, Ginene Mills

14
15 Date: _____

16 Jenilyn Jimenez

17
18
19 Date: _____

20 Elizabeth Baker

21
22 Date: _____

23 William Farber

24
25
26 Date: _____

1 Mohan Vallabhapurapu

Burger King Corporation

2 By: _____

3 _____
4 Date:

Its _____

5 Ron Sarfaty

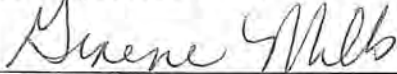
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6 _____
7 Date:

8 Kenneth Kilgore

9 _____
10 Date:

11 Tyrey Mills by and through his next friend and
12 mother, Ginene Mills

13 
14 _____

15 Date: 5-21-2012

16 Jenilyn Jimenez

17 _____
18 Date:

19 Elizabeth Baker

20 _____
21 Date:

22 William Farber

23 _____
24 Date:

1 Mohan Vallabhapurapu

Burger King Corporation

2
3 By: _____

4 Date: _____

5 Ron Sarfaty

Its _____

Date: _____

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12 Tyrey Mills by and through his next friend and
13 mother, Ginene Mills

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28 CASE NO. C-11-00667 WHA
Vallabhapurapu v. Burger King Corp.

SETTLEMENT AGREEMENT

1 Mohan Vallabhapurapu

Burger King Corporation

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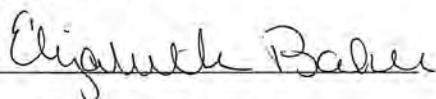
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13 mother, Ginene Mills

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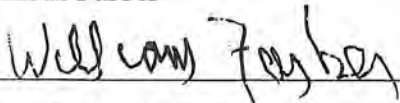
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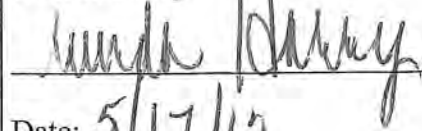
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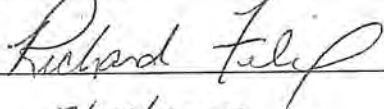
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15 William Showen

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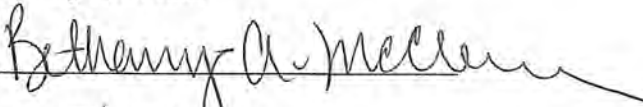
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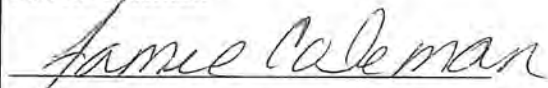
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4 William Earl Sheehan

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8 Barry Smith

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19 **APPROVED AS TO FORM AND CONTENT:**

20 LEWIS, FEINBERG, LEE, RENAKER &
21 JACKSON, P.C.

GENOVESE, JOBLOVE & BATTISTA, P.A.

22 By: _____
23 Bill Lann Lee

By: _____
Michael D. Joblove

24 Counsel for Named Plaintiffs and the Class

Counsel for Burger King Corporation

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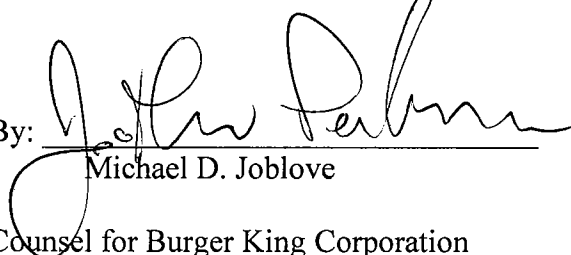
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25 By: 
26 Michael D. Joblove

27 Counsel for Burger King Corporation

SETTLEMENT AGREEMENT

EXHIBIT A

Vallabhapurapu v. Burger King Corp. (C-11-00667-WHA (JSC)) - Settlement Agreement Ex. A

Store #	Location	Issue	Remedy
609			
	Exterior	South entrance: A sign displaying an ISA is mounted to a door that has been disabled and abandoned.	Remove ISA sign.
	Exterior	A new 10'-6" long section of walkway that provide access to the store from W. Whittier Blvd. slopes as much as 9.1%; it lacks handrails.	BKC will provide photographic evidence demonstrating that this element is in compliance with the DOJ Standards and Title 24 of the California Code of Regulations, or, in the absence of such evidence, this issue will be remedied.
	Exterior	A roughly 12' long section of the walkway that provides access to the store from W. Whittier Blvd. has cross slopes as high as 4.8% (vs. 2% maximum allowed).	BKC will provide photographic evidence demonstrating that an alternate route to this restaurant exists that is in compliance with the DOJ Standards and Title 24 of the California Code of Regulations, or, in the absence of such evidence, this issue will be remedied.
	Exterior	A new raised concrete door landing and a sloped walkway have been added inside the exterior dining area. The landing is elevated 4 1/2" - 5" above the surrounding pavement, and no warning curb is provided.	A warning curb will be added.
	Exterior	A total of 11 tables are provided in the exterior dining/play structure area. If one considers the fixed seats at the round tables for 2 people each, there are 56 seating positions. If one considers them 1 person each, there are 39 seating positions. Depending on how one figures the total seating count, 2 or 3 accessible seating positions are required. Fixed seats have been removed at 3 of the round tables, but table top support braces reduce the clear knee space depth to 12 1/2" (vs. 19" minimum required). One of the rectangular tables provides sufficient knee space width and depth, but only 26" clear height to an angled metal table top support bracket. These brackets also create a potential safety hazard.	This seating area will be modified to have at least 3 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.
	Exterior	Exterior dining and play area: Aisles to seating areas and the play structure are reduced by furniture to as little as 16" wide, and are typically < 30" wide (vs. 36" minimum required; 48" minimum per the CBC when the occupant load is > 10).	Relocate furniture to ensure accessible route.
	Exterior	The designated van accessible parking access aisle is 91 1/2" wide measured to the centerline of the striping (vs. 96" minimum required).	Restripe to compliant dimensions.
	Exterior	A new 10'-6" long section of walkway that provide access to the store from W. Whittier Blvd. slopes as much as 9.1% (vs. 8.33% maximum allowed), and its top landing slopes as much as 3.9% (vs. 2% maximum allowed).	BKC will provide photographic evidence demonstrating that this element is in compliance with the DOJ Standards and Title 24 of the California Code of Regulations, or, in the absence of such evidence, this issue will be remedied.

Store # Location Issue

Remedy

609

Interior	A total of 21 tables with 70 seating positions are provided in the restaurant. 4 accessible seating positions are required. None of the tables are identified as accessible (marked with an ISA), but there are 4 tables that might be considered to be accessible. One of these is located by the men's restroom. It appears as though a bench has been removed in order to make this table accessible, but there is not enough clear disatnce between the table and the wall for a wheelchair user to access the wide side of the table, and the toilet room door swings across the clear floor space needed for one to access the table's end. Three other potentially accessible tables are provided along an interior wall. Compliant knee clearance is only provided if one approaches them from the end, but this creates two issues. First, the tables are only 24" wide, and second, the adjacent aisle is only 51" wide. A wheelchair user with legs tucked the full 19" under the table would reduce the aisle width to 24".	This seating area will be modified to have at least 4 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.
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Men's Toilet	The paper towel dispenser, mounted 3 3/4" from the strike side of the toilet room door, projects up to 9" from the wall, and obstructs the required push side door maneuvering clear area.	Relocate paper towel dispenser to compliant location.
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Men's Toilet	The toilet paper dispenser (recessed combo unit) is mounted 41" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.
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Women's	A coat hook is mounted at 56 1/2" AFF, side reach (vs. 54" AFF maximum allowed).	Lower coat hook to 48 inches.
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726

Exterior	Tow-away warning signs are provided at both of the driveway entrances from S. Euclid Street, but the phone number on one is in poor condition, the phone number on the other is obstructed by stickers and graffiti, and both signs lack a reclaiming address	Provide required information in tow-away sign(s).
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Exterior	Southwest entrance: The exterior concrete pavement within the required pull side door maneuvering clear area slopes up to 4.1% (vs. 2% maximum allowed).	Replace section of pavement with excessive slope.
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Exterior	Northwest (main) entrance double door: The exterior concrete pavement within the required pull side door maneuvering clear area slopes up to 4.1% (vs. 2% maximum allowed).	Replace section of pavement with excessive slope.
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Interior	A total of 28 tables with 77 seating positions are provided in the restaurant. 4 designated accessible seating positions are provided; 4 are required. Of these, one table is positioned such that a wheelchair user, with legs tucked the full 19" under the table, would reduce the clear aisle width to 21" (vs. 36" minimum required; 44" minimum per the CBC if the occupant load is > 10).	Relocate or reconfigure to ensure 36" wide access aisle when accessible seating position is occupied.
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Men's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
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Women's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
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733

Exterior	Tow-away warning signs (2) do not provide a reclaiming address.	Provide required information in tow-away sign(s).
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Exterior	A designated new accesible route has been provided from the property to the public sidewalk along Painter Avenue. No signage is provided to identify it as such.	Provide appropriate signage.
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Store # Location Issue

Remedy

733

Exterior	5 exterior dining tables with a total of 20 seating positions are provided outside the restaurant; 1 accessible table/ seating position is required. A table is designated as accessible, and it meets the necessary requirements, except that a large piece of the underside of the table is torn, and it hangs down into and obstructs the required knee space. (A pole-mounted accessible parking sign partially obstructs access to the table, but the unobstructed section is still > 30" wide.)	Repair underside of table.
Exterior	Southeast entrance: No ISA signage is provided on the door.(Note: A sign displaying an ISA and an arrow pointing toward the south entrance has been installed on the glass between the this door and it. They are just about 5' apart. There is no apparent reason why this entrance should not be considered accessible.)	Provide appropriate signage.
Men's Toilet	A cover is provided for the hot water supply under the lavatory, but it is not properly installed, and it does not cover the whole line.	Cover hot water supply line.
Women's	Door locking hardware is mounted 53 1/2" AFF (vs. 48" AFF maximum allowed).	Lower door locking hardware.

780

Exterior	No tow-away warning sign is provided at the E. 8th Street driveway entrance to the property.	Provide required tow-away signs.
Exterior	A 2' wide strip of concrete pavement along the edge of the delineated route from the designated accessible parking spaces to the store has cross slopes between 6.8%-12.2%.	Black out the previously-delineated area with excessive slope. See, e.g., Photo MVBK011628.
Exterior	The tow-away warning sign at the Highland Avenue driveway entrance does not provide a reclaiming address or phone number.	Provide required information in tow-away sign(s).
Exterior	The southeast entry door lacks an ISA. This door provides access to the store from the designated accessible parking spaces.	Provide appropriate signage.
Interior	Play structure area matting is raised 2 3/4" above the concrete pavement. Ramped edging slopes up to 29.9%. One must cross this matting in order to reach the exterior exit door from the play area.	This issue will be remedied.
Men's Toil	Self-closing lavatory faucet valves stay on for 4.19 and 2.84 seconds (vs. 10 seconds minimum required).	Replace/adjust self-closing faucet hardware.
Men's Toilet	Insulation is provided for the lavatory drain and supply lines, but it is loose and poorly installed. The hot supply line, and both the hot and the cold supply angle stops are not completely covered.	Cover drain and lines.
Women's	The clearance below the side grab bar to the toilet paper dispenser is 5/8" (vs. 1 1/2" minimum required).	Raise grab bars one inch.
Women's Toilet	The toilet paper dispenser is mounted so that its dispensing point is located 17" AFF (vs. 19" minimum AFF required).	Relocate toilet paper dispenser to compliant location.
Women's	The hot water supply line is not covered.	Cover hot water supply line.

814

Exterior	The tow-away warning sign at the N. Johnson Avenue driveway entrance does not provide a reclaiming address or phone number.	Provide required information in tow-away sign(s).
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Store # Location Issue

Remedy

814

Exterior No tow-away warning signs are provided at any of the possible entrances onto the property from west of the store. Provide required tow-away sign.

Men's Toilet Covers are provided for the lavatory supply lines, but they are improperly installed. Both the hot and cold side angle stops (with sharp ends) are exposed. Cover angle stops.

Women's A lavatory drain line is not completely covered. Cover lavatory drain line.

817

Exterior The tow-away warning sign at the Mission Avenue driveway entrance does not provide a reclaiming address, and the phone number numerals are < 1" tall. Provide required information in tow-away sign(s).

Exterior The tow-away warning signs at the two Olive Street driveway entrances do not provide reclaiming addresses, and the phone number numerals are < 1" tall. Provide required information in tow-away sign(s).

Exterior Northwest entrance: Push side forward approach access is obstructed by a double-wide combo trashcan and tray return unit. The clear width beyond the strike side of the door = 2 3/4" vs. 12" minimum required when the door has both a latch and a closer. The latch was engaged at the time of the survey. Hinge approach space is available, but that is not the way one would likely approach the door. Remove/replace trash can/tray return unit to ensure compliant maneuvering clearance.

Men's Toilet Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate. Replace coin-operated door hardware with compliant hardware.

Women's Toilet The rear grab bar is positioned such that only 2 of the 3 available mounting screws may be utilized. It is questionable whether or not the bar, therefore, can support the required loads. Relocate grab bar so that it can be properly attached to the wall.

Women's Toilet Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate. Replace coin-operated door hardware with compliant hardware.

835

Exterior West entrance, right door: a broken concrete patch along the outside edge of the threshold creates an overall threshold height of 3/4" (vs. 1/2" maximum allowed), and a place for one's wheels to get stuck immediately prior to attempting to rise over the threshold. Patch concrete to eliminate change in level.

Exterior The tow-away warning sign at the Rosecrans Street driveway entrance does not provide a reclaiming address. Provide required information in tow-away sign(s).

Men's Toilet Room The toilet paper dispenser is mounted so that its dispensing point is located 14 1/2" AFF (vs. 19" minimum AFF required). It is also located approximately 59" (failed to measure specifically) from the water closet back wall to the far edge of the dispenser (vs. 36" maximum allowed). Relocate toilet paper dispenser to compliant location.

Men's Toilet The urinal flush mechanism requires a 22# force to operate (vs. 5# maximum required). Adjust or replace flush mechanism to achieve compliant force.

Men's Toilet Insulation is provided for the lavatory drain line, but the hot supply line is not covered. Cover hot water supply line.

Women's Insulation is provided for the lavatory drain line, but the hot supply line is not covered. Cover hot water supply line.

Store # Location Issue

Remedy

835

Women's Toilet Room	The toilet paper dispenser is mounted 17 1/2" AFF measured to its dispensing point (vs. 19" minimum AFF required), and 49" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum allowed).	Relocate toilet paper dispenser to compliant location.
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Women's	Self-closing lavatory faucets stay on for 5.56 and 0.72 seconds (vs. 10 seconds minimum required).	Replace/adjust self-closing faucet hardware.
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896

Exterior	Tow-away warning signs (2) do not provide a reclaiming address.	Provide required information in tow-away sign(s).
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Exterior	Signage on the outside of the south entrance door directs patrons to the west entrance for accessibility. The noncompliant issues related to this door are noted on other lines herein. There is no warning or directional signage inside the store to indicate the direction to or location of the accessible exit.	Add required signage inside the restaurant.
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Men's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
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Men's Toilet	Sharp angle stops are exposed beneath the lavatory.	Cover angle stops.
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Women's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
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Women's	Sharp angle stops and a hose clamp are exposed beneath the lavatory.	Cover angle stops and hose clamp.
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912

Exterior	Tow-away warning signs (3) do not provide a reclaiming address.	Provide required information in tow-away sign(s).
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916

Exterior	Southwest entrance: This doorway is not identified with an ISA; a pole-mounted sign in front of the designated accessible parking spaces directs patrons to the northwest entrance. The noncompliant issues related to this door are noted on other lines herein. There also is no warning or directional signage inside the store to indicate the direction to or location of the accessible exit.	Add required signage inside the restaurant.
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Exterior	North entrance: A sign displaying an ISA is mounted to a door that has been disabled and abandoned.	Remove ISA sign.
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Men's Toilet Room	The toilet paper dispenser is mounted 35 3/4" from the water closet back wall measured to the near edge of the dispenser, which has been turned 90° from the typical mounting direction for this type of dispenser. As the paper is used up and the roll is diminished in size, the paper can be located as far as 39" from the rear wall (vs. 36" maximum allowed).	Relocate toilet paper dispenser to compliant location.
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Men's Toilet Room	Door hardware with an integral thumb-turn lock requires tight pinching and twisting of the wrist to operate.	Burger King provided photographs to Plaintiffs of this element, and Plaintiffs acknowledge that if these photographs accurately depict the current condition of this element, then no changes are necessary.
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Men's Toilet	The water closet flush valve is located on the narrow side of the toilet.	Relocate flush control to wide side of toilet.
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Store # Location Issue

Remedy

916

Men's Toilet Room The toilet paper dispenser is mounted 36" from the water closet back wall measured to the near edge of the dispenser, which has been turned 90° from the typical mounting direction for this type of dispenser. As the paper is used up and the roll is diminished in size, the paper can be located as far as 39" from the rear wall (vs. 36" maximum allowed).

Relocate toilet paper dispenser to compliant location.

Women's Toilet Room The lavatory drain line is not insulated or otherwise covered to prevent contact.

Burger King provided photographs to Plaintiffs of this element, and Plaintiffs acknowledge that if these photographs accurately depict the current condition of this element, then no changes are necessary.

918

Exterior Tow-away warning signs (2) do not provide a reclaiming address.

Provide required information in tow-away sign(s).

Exterior An 8' long ramp is located along the delineated accessible route from the public sidewalk and the designated accessible parking spaces to the store. Its bottom landing is too short (60" long vs. 72" minimum required per the CBC), it lacks a handrail on one side, and the handrail that is provided does not extend 12" beyond the bottom of the ramp, as required.

Compliant handrail will be added.

Men's Toilet There are an unusually large number of supply lines under the lavatory. Some are covered to prevent contact some are not. Angle stops are not covered.

Cover all angle stops to prevent contact.

Men's Toilet The toilet paper dispenser is mounted 42" from the water closet back wall measured to the far edge of the dispenser.

Relocate toilet paper dispenser to compliant location.

Men's Toilet The accessible toilet stall door is not self-closing.

Install self-closing hardware.

Men's Toilet The toilet paper dispenser is mounted 42" from the water closet back wall measured to the far edge of the dispenser.

Relocate toilet paper dispenser to compliant location.

Women's Toilet The toilet paper dispenser is mounted 39 1/2" from the water closet back wall measured to the far edge of the dispenser.

Relocate toilet paper dispenser to compliant location.

Women's Toilet Room Covers are provided for the lavatory drain and supply lines, but they are improperly installed. The top section of the drain line, a portion of the hot supply line, and the cold supply angle stop are not completely covered.

Cover hot water supply and drain lines.

Women's Toilet The accessible toilet stall door is not self-closing.

Install self-closing hardware.

919

Exterior Tow-away warning signs (3) do not provide a reclaiming address. One of them also does not provide a phone number.

Provide required information in tow-away sign(s).

Exterior A new multi-switchback ramp has been installed to link the public sidewalk along Sepulveda Blvd. to the store. A railing is provided along both sides of the ramp for its entire length, but it is mounted too high to qualify as a compliant ramp handrail (41 3/4" - 60 1/4" AFF vs. 34" - 38" AFF required), and required extensions beyond tops and bottoms of ramp runs are not provided.

Replace handrail at compliant height.

Store # Location Issue

Remedy

919

Exterior	Play structure area matting is raised 2 1/2" above the concrete pavement. Ramped edging slopes up to 26.4%. The matting obstructs access to the entrance to the play structure and, except to the open end of the (intended) accessible table, it obstructs access to the exterior dining area.	This issue will be remedied.
Women's Toilet	The clearance beneath the rear grab bar to the toilet flush mechanism is 7/8" (vs. 1 1/2" minimum required).	Raise grab bars one inch.
Women's Toilet Room	The toilet room door is equipped with a power-assist device. The door requires excessive force to stop from closing under the power of the device. A 31# force measurement was taken, and the door continued to close. The door is required to stop with a maximum allowed force of 15#.	Adjust power-assist door.
Women's Toilet	The toilet paper dispenser is mounted 39 1/2" from the water closet back wall measured to the far edge of the dispenser.	Relocate toilet paper dispenser to compliant location.
Women's Toilet Room	A semi-recessed trash can (and paper towel combo) unit reduces the clear width of the clear floor space in front of the lavatory to 31 1/4". Because the lavatory is located in an alcove that is > 24" deep, a minimum clear width of 36" is required.	Move trash can/paper towel combo to ensure clear width of 36" in alcove.

943

Exterior	Access aisle markings are in poor condition; much of the corss hatching and "NO PARKING" has worn away, and are no longer readable.	Repaint to ensure legible lines.
Exterior	South entrances: Clear-on-blue ISAs installed on 3 of the doors provide very little contrast and are difficult to see, especially from a distance.	Replace ISA signs.
Exterior	East entrance: The exterior concrete pavement within the required pull side door maneuvering clear area slopes up to 3.9% (vs. 2% maximum allowed).	Interior signage will be added indicating that this is not an accessible entrance.
Exterior	East entrance: This doorway is not identified with an ISA, and there is no signage outside the store to direct patrons to the other entrance. The noncompliant issues related to this door are noted on other lines herein. There also is no warning or directional signage inside the store to indicate the direction to or location of the accessible exit.	Required signage will be added inside restaurant.
Men's Toil	The lavatory drain and hot water supply lines are not fully covered to prevent contact.	Cover drain and supply lines.
Men's Toilet	The toilet paper dispenser is mounted 42" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.
Men's Toilet Room	The floor in front of the water closet slopes up to 4.0% to drain.	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
Women's	The drain line under the lavatory is not completely covered.	Cover drain line.
Women's Toilet Room	The toilet paper dispenser is mounted so that its dispensing point is located 15 1/4" AFF (vs. 19" minimum AFF required), and 47 1/2" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.

975

Store # Location Issue

Remedy

975

Exterior	Tow-away warning signs (2) do not provide a reclaiming address, and one does not provide an area code for the reclaiming phone number.	Provide required information in tow-away sign(s).
Exterior	Two designated accessible parking spaces are provided in the lot on the south side of the building. The standard designated accessible parking space is 15'-6" long (vs. 18' long minimum per the CBC). This measurement is based on the location of the wheelstop, and the need to maintain a 48" minimum wide accessible route in front of the space that does not include the steeply-sloping gutter.	This issue has been, or will be, remedied
Exterior	A roughly 10 sq. ft. section of asphalt pavement along the delineated accessible route in front of the designated accessible parking spaces is sunken slightly, resulting in cross slopes as high as 4.3% (vs. 2% maximum allowed).	This issue has been, or will be, remedied
Exterior	East entrance: The clear-on-blue ISA provides little contrast, and is difficult to make out, especially from a distance.	Provide appropriate signage.
Exterior	North entrance: An ISA is not provided.	Provide appropriate signage.
Men's Toilet Room	The toilet paper dispenser is mounted 16 5/8" AFF measured to its dispensing point (vs. 19" minimum AFF required), and 38" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum allowed).	Relocate toilet paper dispenser to compliant location.
Men's Toilet	The lavatory drain line is not covered at all; the hot water supply line is not completely covered.	Cover hot water supply and drain lines.
Men's Toilet	The clearance beneath the side grab bar to the toilet paper dispenser is 15/16" (vs. 1 1/2" minimum required).	Raise grab bars one inch.
Men's Toilet	U-shaped pull hardware is provided on both sides of the accessible toilet stall door, but it is not located below the latch, as required.	Move pull hardware below latch.
Women's Toilet Room	The only trashcan currently provided in the toilet room is a loose unit located in the accessible toilet stall, where it obstructs the required stall door pull side door maneuvering clear area. If located elsewhere in the stall, it will obstruct the required water closet clear floor space. There appears to be no other location in the toilet room where it can be placed where it will not obstruct some other required clear floor area.	Install wall-mounted trash can in compliant location.
Women's Toilet	The accessible toilet stall door is not self-closing.	Install self-closing hardware.
Women's Toilet	U-shaped pull hardware is provided on both sides of the accessible toilet stall door, but it is not located below the latch, as required.	Move pull hardware below the latch.
Women's Toilet	The toilet paper dispenser is mounted too low. Its dispensing point is located 16 3/4" AFF (vs. 19" minimum AFF required).	Relocate toilet paper dispenser to compliant location.
Women's Toilet	The clearance beneath the side grab bar to the toilet paper dispenser is 3/4" (vs. 1 1/2" minimum required).	Raise grab bars one inch.

1036

Store # Location Issue

Remedy

1036

Exterior	Tow-away warning signs (3) do not provide a reclaiming address, and they are covered with graffiti, making them illegible. During the course of the survey, at the direction of one of the owners, a BK employee worked to clean the graffiti off of the signs. The latter photographs show the results of that endeavor.	Provide required information in tow-away sign(s).
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Exterior	Play structure area matting is raised 2 1/2" - 2 3/4" above the concrete pavement. Ramped edging slopes up to 28.7%.	This issue will be remedied.
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Exterior	South entrance: Play structure matting is raised 2 1/2" above the door landing surface. It is located within and therefore obstructs the required pull side door maneuvering clear area.	Replace matting with solution that provides compliant change of level and maneuvering clearance.
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Men's Toilet	The urinal rim is 18 1/2" AFF.	Lower urinal.
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1038

Exterior	Play structure area matting is raised 2 1/2" - 2 3/4" above the concrete pavement. Ramped edging slopes up to 28.7%.	This issue will be remedied.
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Exterior	Tow-away warning signs (2) do not provide a reclaiming address.	Provide required information in tow-away sign(s).
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Interior	A total of 22 tables with 76 seating positions are provided in the restaurant. 2 accessible tables are provided; 2 are required. 2 accessible seating positions are provided; 4 are required.	An accessible seating position that complies with either the 1991 or 2010 DOJ Standards will be added, or tables will be removed to achieve compliant ratio.
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Men's Toilet	The hot water supply line is not covered.	Cover hot water supply line.
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1346

Exterior	3 designated accessible parking spaces are provided in the east parking lot (only 2 are required). Two are located directly adjacent to the east side of the building. The designated van accessible access aisle shared by the two spaces is 91 1/2" wide measured from centerline-to-centerline of the striping (vs. 96" minimum required).	Restripe to compliant dimensions.
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Exterior	Tow-away warning sign at the Manchester Avenue driveway entrance does not provide a reclaiming address.	Provide required information in tow-away sign(s).
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Exterior	No tow-away warning sign is provided at the driveway entrance from Halldale Avenue.	Provide required tow-away sign.
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Men's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
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Men's Toilet	A cover is provided for the hot water supply under the lavatory, but it is not properly installed, and it does not cover the whole line.	Cover hot water supply line.
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Men's Toilet Room	A double-wide combo trashcan/tray return unit obstructs the required pull side door maneuvering clear area of the toilet room door (depth = 40 1/4" vs. 60" minimum required). The double-wide unit could be switched-out with the single wide unit located adjacent to the east entrance.	Replace double-wide unit with single-wide unit.
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Women's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
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Store # Location Issue

Remedy

1417

Exterior	A designated accessible parking space is provided on the west side of the store. ☐A fine sign (Minimum Fine \$250) is not provided.	Add required signage.
Exterior	Tow-away warning sign at the El Segundo Blvd. driveway entrance does not provide a reclaiming address or phone number.☐(NOTE: a noncompliant tow sign provided at one of 2 designated accessible parking spaces.)	Provide required information in tow-away sign(s).
Exterior	No tow-away warning signage is provided at the southeast entrance onto the property from the adjacent property. Tow-away warning signage at the driveway entrance to the adjacent property along El Segundo Blvd. lacks a reclaiming address and phone number.☐(NOTE: a noncompliant tow sign provided at one of 2 designated accessible parking spaces.)	Provide missing tow-away sign and provide required information in existing tow-away sign(s).
Exterior	A designated new accesible route has been provided from the property to the public sidewalk along El Segundo Blvd. A sign at the back of the sidewalk identifies the route for those approaching from the west, but it is one-sided, and does not inform those approaching from the east.☐(NOTE: a noncompliant tow sign provided at one of 2 designated accessible parking spaces.)	Provide appropriate signage.
Men's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
Women's Toilet	Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace coin-operated door hardware with compliant hardware.
Women's Toilet	The toilet paper dispenser is mounted 39 1/2" from the water closet back wall measured to the far edge of the dispenser.	Relocate toilet paper dispenser to compliant location.
Women's	The soap dispenser is mounted 44 3/4" AFF to the center of its push pad (vs. 40" AFF maximum allowed).	Lower soap dispenser.

1549

Exterior	A pedestrian route is delineated along one side of the Clinton Avenue drive entrance from the public sidewalk to the store. This route utilizes the access aisle of the designated accessible parking spaces to provide access to and from the store. There is an 18" long ramped concrete section at the back of the access aisle within the delineated route that slopes up to 11.4% (vs. 5% maximum or 8.33% maximum for a ramp).	Repave 18" section to create compliant slope.
Exterior	The tow-away warning sign at the Cedar Avenue driveway entrance lacks reclaiming address and an area code for the reclaiming phone number.	Provide required signage and information.
Exterior	No tow-away warning sign is provided at the Clinton Avenue driveway entrance.	Provide required signage and information.
Exterior	A bus stop is located in front of the store on Cedar Avenue. There is no pedestrian-only access to the store from it and the public sidewalks along Cedar and Clinton. A route is delineated along one side of the Clinton Avenue drive entrance from the public sidewalk to the store. There is no directional or identification signage near the bus stop on Cedar or near the delineated route from Clinton to inform patrons of its existence.	Provide appropriate signage.

Store # Location Issue

Remedy

1549

Exterior	A pedestrian route is delineated along one side of the Clinton Avenue drive entrance from the public sidewalk to the store. The painted hatched route is in poor condition, and it is confusing. At one time, at least, it included a gutter where cross slopes up to 9.7% exist (vs. 2% maximum allowed).	Restripe to show clearly a 48-inch-wide route that does not include the gutter.
Interior	The main service counter is under construction.	Ensure lowered portions provide services equal to inaccessible portions.
Interior	A total of 12 tables with 41 seating positions are provided in the restaurant. 3 accessible seating positions are required. 1 table/seating position has been modified, presumably for accessibility. It provides the required knee space beneath the table, but the top is only 24" deep. If a wheelchair user were to utilize the full depth of the space dedicated to her, it would be difficult at best for a companion to make use of the opposing fixed bench. Even with this space, there are still 2 too few available.	This seating area will be modified to have at least 3 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.
Men's Toilet	Stall door: The toilet stall door is not properly set, and it binds in its jamb. It requires a force > 35# to close, and a similar force to open.	Repair stall door.
Men's Toile	The stall door is not self-closing.	Install self-closing hardware.
Men's Toile	The clearance below the side grab bar to the toilet paper dispenser is 1/2" (vs. 1 1/2" minimum required).	Reconfigure to provide compliant clearance.
Men's Toilet Room	The toilet paper dispenser is mounted 17" AFF to its dispensing point (vs. 19" AFF minimum required), and 40" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.
Men's Toile	The soap dispenser is mounted 53 1/4" AFF to the push pad (vs. 40" AFF maximum allowed).	Lower soap dispenser to max. 40" AFF.
Men's Toile	The floor drain cover is not fixed in place, creating a potential hazard.	Fix floor drain.
Women's	The stall door is not self-closing.	Install self-closing hardware.
Women's Toilet Room	The toilet paper dispenser is mounted 16 3/8" AFF to its dispensing point (vs. 19" AFF minimum required), and 45" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.

1646

Exterior	North entrance: The ISA is installed on the inside face of the glass door. The glare is so bad that it is very difficult to see, especially from a distance.	Provide appropriate signage.
Exterior	Northeast entrance: The push side door maneuvering clear area width = 0" measured to the play structure vs. 12" minimum required. The door hardware/latch is operational.	Signage will be added directing persons with disabilities to double-door entrance, the door will be unlatched during business hours, or required push side clearance will be provided.
Interior	Door from dining room to play structure area: The pull side door maneuvering clear width = 13 1/2" measured to a combo trashcan/tray return unit (vs. 18" minimum required).	Trash can will be relocated to provide compliant maneuvering clearance.

Store # Location Issue

Remedy

1646

Interior A total of 13 tables with 43 seating positions are provided in the play structure area. 3 accessible seating positions are required. 3 designated accessible tables are provided (although the ISAs are missing from all of them). 2 of the 3 do not provide sufficient clear floor space. One of the tables does not provide the required knee space width (29 1/2" measured between table supports vs. 30" minimum required). A trashcan obstructs the required clear floor space depth at the other. The trashcan creates an alcove condition at the table taht is > 15" deep. In these type of conditions a 60" minimum deep clear floor space is required. The depth measured from the table edge to the trashcan is 25 1/4". Adding the 19" deep knee space to this results in an overall clear depth of 44 1/4"; 15 3/4" shy of that required.

This seating area will be modified to have at least 3 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.

Interior The tea dispenser has been fixed in place on top of the beverage counter. Its controls are located in the corner such that neither a compliant forward or side reach is possible (per ADAAG Fig. A3(a)).

Relocate tea dispenser to compliant location.

Men's Toil Insulation is provided for the lavatory drain and supply lines, but sharp hose clamp bands are exposed.

Cover the shart hose clamp bands.

Women's The toilet stall door is not self-closing.

Install self-closing hardware.

Women's Toilet Room The floor in in the center of the room slopes up to 4.1% to drain.

BKC will provide photographic evidence demonstrating that this element is in compliance with the DOJ Standards and Title 24 of the California Code of Regulations. In the absence of such evidence, a plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.

1682

Exterior Trash receptacle reduces the depth of the level landing at the top of the curb ramp to 34.5" from the required depth of 48".

Relocate trash can.

Exterior There are signs at each driveway entrance, but the signs display different information for reclaiming vehicles.

Provide required information in tow-away sign(s).

Exterior Emergency exit door has ISA signage. This door is not an accessible means of egress in that it leads to an exterior landing with not curb ramp.

Remove ISA sign.

Exterior The "van accessible" signage is mounted at the incorrect stall.

Relocate "van accessible" signage.

Exterior At the northwest door, the waste receptacle at the interior reduces the required 12" strike side clearance to 8.5".

Relocate trash can.

Interior Play area has seating for 38 occupants, 1 of which is designated accessible. 2 are required.

Provide one additional accessible seating position that complies with either the 1991 or 2010 DOJ Standards.

Men's Toilet The toilet has a 10# operating force. The urinal has a 9# operating force. The soap dispenser has a 10# operating force.

All but soap dispenser will be remedied

Women's Toilet Toilet has operating force of 11#. Paper towel dispenser has an operating force of 9#. Soap dispenser has an operating force of 13#.

All but soap dispenser will be remedied

Store # Location Issue

Remedy

1682

Women's	No insulation on the drain pipe at the accessible lavatory.	Cover drain line.
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1897

Exterior	The designated van accessible parking space access aisle is 93 3/4" wide measured from the curb face to the centerline of the striping (vs. 96" minimum required).	Restripe to compliant dimensions.
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Exterior	East entrances: ISAs are provided on the (4) entrance doors, but they are turned to the interior of the store, and are not recognizable as ISAs from outside the store.	Provide appropriate signage.
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Exterior	Pavement markings and striping for the designated van accessible parking space and access aisle are in poor condition. It is difficult to tell where the parking space and access aisle begin and end. The surface of the pavement within the access aisle is also deteriorating. Loose gravel and fines create a surface that is not stable or slip resistant.	Space will be restriped, but not repaved
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Exterior	No tow-away warning sign is provided at the entrance to the property from the alleyway south of the store. (A tow-away warning sign obscured by a tree appears to serve the adjacent property.)	Provide required tow-away sign(s).
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Exterior	The tow-away warning sign at the N. Gaffey Street driveway entrance lacks a reclaiming address. It is also turned almost perpendicular to the driveway entrance, essentially eliminating its message from view to those entering the property from the south.	Provide required information in tow-away sign(s).
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Exterior	Directional signage located at the northeast corner of the property (intersection of Gaffey and Santa Cruz) points toward a route containing steps.	Provide appropriate signage.
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Exterior	The tow-away warning sign at the W. Santa Cruz Street driveway entrance lacks a reclaiming address.	Provide required information in tow-away sign(s).
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Women's Toilet Room	The floor to the left of the lavatory slopes 3.1% - 4.0% to drain, with one short section sloping as much as 7.8%.	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
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Women's Toilet Room	The floor to the right of the lavatory slopes 5.5% - 6.8% to drain, right around the drain.	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
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Women's Toilet	The toilet flush mechanism is difficult to operate. A 7# force was required once it did work.	Adjust or replace flush mechanism to achieve compliant force.
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Women's	An sharp no-hub coupling band on the lavatory drain line is exposed.	Cover sharp areas under lavatory.
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1932

Exterior	Two sections of sidewalk off the southwest corner of the exterior dining area have cross slopes as high as 4.1% (vs. 2% maximum allowed).	Replace portion of pavement with excessive cross slope.
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Store # Location Issue

Remedy

1932

Exterior A section of sidewalk off the northwest side of the store (west side of the exterior dining area) has cross slopes as high as 4.1% (vs. 2% maximum allowed). In addition, there is a vertical drop-off as high as 6 1/2" to the ground alongside it (vs. 4" maximum allowed without edge protection). At the southern end of this section of walkway there is a 1" vertical rise. The concrete has been ground down a bit, but the vertical offset is still too high (3/8" vs. 1/4" maximum allowed), and the ground-down section slopes 7.1% (vs. 5% maximum allowed).

Replace sections of sidewalk with excessive slope or cross slope and ensure proper edge protection.

Exterior Northwest driveway entrance: The tow-away warning sign does not provide a reclaiming address, and the reclaiming phone number lacks an area code.

Provide required information in tow-away sign(s).

Exterior Southwest entrance onto BK property: The tow-away warning sign does not provide a reclaiming address, and the reclaiming phone number lacks an area code. Additionally, the sign is positioned in an odd fashion; perpendicular to drive.

Provide required information in tow-away sign(s).

Interior The tea dispenser has been fixed in place on top of the beverage counter. Its controls are located in the corner such that neither a compliant forward or side reach is possible (per ADAAG Fig. A3(a)).

Relocate tea dispenser to compliant location.

Men's Toilet The toilet stall door swings across the required water closet clear floor space. The door is located 55 7/8" from the rear wall; the floor-mounted water closet requires a minimum clear floor space depth of 59".

Reverse the swing of the door.

Men's Toilet The floor drain cover is not fixed in place.

Fix floor drain.

Men's Toilet Lavatory drain and supply lines are wrapped, but in a very poor fashion.

Cover hot water supply and drain lines.

Men's Toilet The clearance beneath the rear grab bar to the toilet flush mechanism is 1" (vs. 1 1/2" minimum required).

Raise grab bars one inch.

Men's Toilet The toilet paper dispenser is mounted too low. Its dispensing point is located 16 1/4" AFF (vs. 19" minimum AFF required).

Relocate toilet paper dispenser to compliant location.

Men's Toilet Room The toilet seat cover dispenser is mounted 43 1/2" AFF to where the seat covers are dispensed (vs. 40" AFF maximum allowed). Mounted 1 7/8" above it, the toilet seat cover dispenser also obstructs access to the rear grab bar (12" minimum clearance above the grab bar required).

Relocate toilet seat cover dispenser to compliant location.

Women's Toilet Room The toilet stall door swings across the required water closet clear floor space. The door is located 56 1/8" from the rear wall; the floor-mounted water closet requires a minimum clear floor space depth of 59".

Reverse the swing of the door. Alternatively, the door frame can be moved to the corner diagonally across from the water closet to gain approximately 3 of the required 4 1/2 inches of depth.

Women's Toilet The toilet paper dispenser is mounted too low. Its dispensing point is located 16 1/8" AFF (vs. 19" minimum AFF required).

Relocate toilet paper dispenser to compliant location.

Women's Lavatory drain and supply lines are wrapped, but in a very poor fashion.

Cover drain and supply lines.

1937

Exterior The tow-away warning sign at the Lyons Avenue driveway entrance does not provide a reclaiming address.

Provide required information in tow-away sign(s).

Women's Hot supply line not covered; overall condition under lavatory.

Cover hot water supply lines and others as necessary.

Store # Location Issue

Remedy

1937

Women's Toilet Room	The inswinging stall door swings across the required clear floor space of the water closet. Depth from back of stall to edge of door when opened 90° = 46" (vs. 59" minimum for stall with a floor-mounted water closet). The stall door could swing out and comply with the ADA standards, but not the CBC (50" clear depth on what is now the push side).	Reverse the swing of the door to the accessible stall.
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2022

Exterior	Both Unauthorized Vehicle signs do not provide information for reclaiming vehicles.	Provide required information in tow-away sign(s).
Exterior	Waste receptacle reduces width of accessible route at the top of the north side flare is 32".	Relocate trash can.
Exterior	Both accessible parking stalls do not have the signage stating "Minimum Fine \$250"	Provide compliant signage.
Men's Toil	Soap dispenser operating force is 12#. Urinal operating force is 8#. Toilet operating force is 8#.	All but soap dispenser will be remedied
Men's Toil	Lavatory controls require pinching of the fingers and twisting of the wrist.	Replace lavatory controls.
Women's	Soap dispenser operating force is 15#. Toilet operating force is 12#.	All but soap dispenser will be remedied
Women's	Lavatory controls require pinching of the fingers and twisting of the wrist.	Replace lavatory controls.

2119

Exterior	A walkway on the south end of the store provides access to the public sidewalk along East Willow Street. A surface-applied detectable warning mat on the north side of the drive-thru is warped and does not lie flat. Ripples are as high as 1", creating a barrier to passage as well as a tripping hazard.	Detectable warning mat will be repaired or replaced to eliminate changes in level
Exterior	Door to exterior dining/play structure: A concrete trashcan obstructs the required pull side door maneuvering clear area. Existing width = 11 1/2" measured to the trashcan vs. 24" minimum required.	Trash can will be relocated to provide compliant maneuvering clearance.
Exterior	One designated accessible parking space is provided. Pavement markings are worn. "No Parking" is in poor condition; the "No" is worn away.	Repaint to ensure markings are visible.
Exterior	One designated accessible parking space is provided. Markings exist for a second space, but its access aisle is not connected to an accessible route to the store. It appears as though it has been abandoned, but the pavement markings are visible and misleading.	The pavement markings will be blacked out.
Men's Toil	Door latching slide-bolt hardware is mounted on the door at 56 3/4" AFF (vs. 48" AFF maximum allowed).	Lower door hardware to compliant height.
Men's Toilet	The door latching slide-bolt hardware is misaligned. As such it requires 2 hands to operate. The small handle requires pinching to operate.	The door hardware will be lowered to compliant height.
Men's Toil	The clearance below the side grab bar to the toilet paper dispenser is 7/8" (vs. 1 1/2" minimum required).	Raise grab bars one inch.
Men's Toilet Room	The toilet paper dispenser is mounted so that its dispensing point is located 16 3/4" AFF (vs. 19" minimum AFF required), and 43 1/2" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.

Store # Location Issue

Remedy

2119

Women's Toilet Room	The toilet paper dispenser is mounted so that its dispensing point is located 17 1/8" AFF (vs. 19" minimum AFF required), and 46" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.
Women's Toilet	Door latching slide-bolt hardware is mounted on the door at 52" AFF (vs. 48" AFF maximum allowed). The small handle may require pinching to operate.	The door hardware will be lowered to compliant location.
Women's	The clearance below the side grab bar to the toilet paper dispenser is 1/2" (vs. 1 1/2" minimum required).	Raise grab bars one inch.

2149

Exterior	A roughly 15 sq. ft. section of pavement within the left access aisle slopes up to 5.9%.	Repave to achieve compliant slope.
Exterior	West entrance (to play structure area): No ISA signage is provided on the door, and there is no signage inside to advise patrons exiting the store that this door is not accessible. Note: The door is locked to the outside.	Provide appropriate signage.
Exterior	Tow-away warning signs (2) do not provide a reclaiming address.	Provide required information in tow-away sign(s).
Interior	East entrance: Floor mat corners are badly curled, rising as much as 2 3/4" above the floor.	Replace floormat.
Interior	Play structure area matting is raised 2 1/2" above the floor. Ramped edging slopes up to 29.2%. The matting obstructs access to the entrance to the play structure, and to a seating area.	This issue will be remedied.
Interior	Plywood and floor mats have been laid down to cover what appears to be construction/repair work being done to and/or below the floor along the route to the public toilet rooms.	Ensure compliant accessible route to restrooms.
Men's Toilet Room	Toilet room door: push side latch approach door maneuvering area clear depth = 43 3/4" to opposing partition wall vs. 48" minimum required. (Note: a power-assist opening device has been added to the door, but it was not operational at the time of the survey.)	Ensure power-assist door is operational.
Men's Toilet	The toilet paper dispenser is mounted 42 1/2" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum allowed).	Relocate toilet paper dispenser to compliant location.
Women's Toilet Room	Toilet room door: push side latch approach door maneuvering area clear depth = 43 1/2" to opposing partition wall vs. 48" minimum required. (Note: a power-assist opening device has been added to the door, but it was not operational at the time of the survey.)	Ensure power-assist door is operational.

2268

Exterior	The accessible route crosswalk markings are faded and should be replaced.	Repaint where faded.
Exterior	There are 58 stalls provided in the parking lot which would require 3 of the stalls to be accessible. Only 2 accessible stalls are provided. The stall markings are barely visible and should be replaced. Because of the poor markings it is difficult to define the accessible stalls.	Provide one additional accessible parking space and ensure all markings are visible.
Men's Toilet	12# for soap dispenser, 9# for urinal flush	All but soap dispenser will be remedied
Men's Toilet	Toilet paper dispenser is located above the grab bar at 37" above the floor.	Relocate toilet paper dispenser to a compliant location below the grab bar.

Store # Location Issue

Remedy

2268

Women's Toilet	The toilet paper dispenser dispensing point can be 34" or 40.5" from the rear wall depending how the roll is installed.	Relocate toilet paper dispenser to compliant location.
Women's Toilet	Clearance in front of the toilet to the opposite wall is 45".	Relocate partition or install shorter toilet as necessary to achieve compliant clearance.
Women's	Sanitizer requires 12# force to operate.	Adjust controls to achieve compliant force.
Women's Toilet	The handle on the baby changing station is higher than 40" above the floor.	Lower baby changing station so that handle is max 40" AFF.

2279

Exterior	The tow-away warning sign at the Capitol Avenue driveway entrance lacks reclaiming address and an area code for the reclaiming phone number.	Provide required signage and information.
Exterior	This store is located within a large shopping center; there are multiple site entry points. The tow-away warning sign at the McKee Rd. driveway entrance does not provide a required reclaiming address. (No other tow-away signs are provided at the other possible entry points into the Burger King parking lots.)	Provide required signage and information.
Interior	Northwest entrance: A combo tray return/trashcan unit obstructs the required push side front approach door maneuvering clear area. The clear width beyond the strike side of the door to the unit = 5 1/4" vs. 12" minimum required. The latch is operational. (Note: There is room to move it over out of the required clear area.)	Relocate trash can out of maneuvering clearance.
Interior	Edges of the floor mat in front of the beverage machine are rippled and raised as much as 7/8" above the floor.	Replace floormat.

2319

Exterior	Tow-away warning signs (3) do not provide a reclaiming address.	Provide required signage and information.
Exterior	A new inline curb ramp has been installed in the sidewalk in front of the designated accessible parking spaces. The ramped section on the right slopes as much as 11.4% (vs. 8.33% maximum allowed).	This store will be remodeled within one year and this issue will be remedied during that process.
Exterior	Northeast entrance: An ISA sign is not provided. The exterior door hardware has been removed, but at the time of the survey the deadbolt was extended to prevent the door from closing. The door should have exterior door hardware and an ISA, or directional signage with an ISA that points toward the west entrance.	Provide exterior door hardware and an ISA, or directional signage with an ISA that points toward the west entrance.
Women's Toilet Room	The toilet paper dispenser is mounted so that its dispensing point is located 16 3/8" AFF (vs. 19" minimum AFF required), and 41" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.

2359

Exterior	Northwest entrance: The push side door maneuvering clear area width = 10 1/4" measured to the adjacent booth vs. 12" minimum required. The door hardware/latch is operational.	The latch on this door will be disengaged during business hours.
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Store # Location Issue

Remedy

2359

Exterior	The designated van accessible parking access aisle is 92" wide measured to the centerline of the striping (vs. 96" minimum required).	BKC will provide photographic evidence demonstrating that this element is in compliance with the DOJ Standards and Title 24 of the California Code of Regulations, or, in the absence of such evidence, this issue will be remedied.
Exterior	A ramp off the northwest corner of the store provides access to the public sidewalk along Roadside Dr. The bottom landing of the ramp has cross as high as 5.6%. These cross slopes are highest where the walkway adjoins the public sidewalk.	BKC will provide photographic evidence demonstrating that this element is in compliance with the DOJ Standards and Title 24 of the California Code of Regulations, or, in the absence of such evidence, this issue will be remedied.
Exterior	No tow-away warning sign is provided at the southwest entrance to the property from the neighboring strip mall (and no sign is posted at the Roadside Dr. driveway entrance to the adjacent property).	Provide missing tow-away sign and provide required information in existing tow-away sign(s).
Interior	West (main) entrance: The edges of the loose floor mat are rippled and raised up to 3/4" above the floor.	Replace floormat to eliminate noncompliant changes in level.
Interior	Drink lids are provided in fixed dispensers on the beverage counter. Access to large lids requires one to reach beyond allowable reach ranges. One of the two dispensers is located in a corner such that neither a compliant forward or side reach is possible (per ADAAG Fig. A3(a)). The large lids are also located too high 55 1/2" - 59" AFF (vs. 50 1/2" AFF maximum allowed based on a side reach depth over an obstruction of 16"). Large lids provided in the other dispenser are also located beyond compliant reach range. Accessing them requires a 52 1/2" - 54" high x 19" high side reach over an obstruction (vs. a maximum allowed height of 49" AFF for a reach of that depth).	The dispensers will be relocated to accessible locations.
Interior	A total of 22 tables with 74 seating positions are provided in the restaurant. 4 accessible seating positions are required. 5 designated accessible tables/seating positions are provided (two are missing ISAs), but none of them provide compliant knee space. Angled metal tabletop supports under the tables reduce the clear knee height to between 25 1/2" and 26" AFF (vs. 27" minimum AFF required). Table tops are only 24" deep, which can create problems when the opposing seating is fixed as it is here. If a wheelchair user utilizes the 19" deep clear knee space required, it leaves very little space for a companion sitting in the fixed seat.	This seating area will be modified to have at least 4 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.
Women's Toilet Room	The toilet paper dispenser is mounted so that its dispensing point is located 15 3/8" AFF (vs. 19" minimum AFF required), and 39" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.

2399

Exterior	A diagonal designated accessible parking space is located in the parking lot on the north side of the store. Measured on the square for the full required width (60") of the access aisle, the space is 13'-4" long. The CBC requires parking spaces and their access aisles to be a minimum of 18' long, and both standards require access aisles to be fully engaged with the full length of the accessible parking spaces they serve.	Restripe to create compliant parking spaces and access aisles.
Interior	Fixed furniture reduces the clear width of the aisle into the children's dining area to 23 1/4" (vs. 44" minimum if serving two sides; 36" minimum if serving one side; 32" minimum at a point). When people sit on the benches, the clear width is reduced even further.	Purple bench will be removed to achieve compliant accessible route.

Store # Location Issue

Remedy

2399

Men's Toile The hot water supply line is not covered.

Cover hot water supply line.

2473

Exterior The pedestrian route from the public sidewalk along W. Avenue I includes a ramp. Compliant handrails are provided, except that they do not extend beyond the bottom of the ramp run, and they extend < 12" beyond the top of the ramp run.

Add handrail extensions.

Exterior Three designated accessible parking spaces are provided. The access aisle for the designated van accessible parking space is 89 1/2" wide measured from centerline-to-centerline of striping (vs. 96" minimum wide required).

Restripe to compliant dimensions.

Exterior No tow-away warning sign is provided at the alleyway entrance to the property (south of the store).

Provide required tow-away sign.

Men's Toilet Room The toilet paper dispenser is mounted so that its dispensing point is located 16 3/4" AFF (vs. 19" minimum AFF required), and it is mounted 49" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).

Relocate toilet paper dispenser to compliant location.

Men's Toile The clearance below the side grab bar to the toilet paper dispenser is 3/4" (vs. 1 1/2" minimum required).

Raise grab bars one inch.

Women's The clearance below the side grab bar to the toilet paper dispenser is 3/4" (vs. 1 1/2" minimum required).

Raise grab bars one inch.

Women's Toilet Room The toilet paper dispenser is mounted so that its dispensing point is located 17 5/8" AFF (vs. 19" minimum AFF required), and it is mounted 39 1/2" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).

Relocate toilet paper dispenser to compliant location.

2474

Interior In the play area, 25 seats are provided, 1 of which is designated accessible. 2 should be provided.

An accessible seating position that complies with either the 1991 or 2010 DOJ Standards has been added

Men's Toilet Men's room toilet 9# operating force, urinal 10# operating force, soap dispenser 12# operating force, paper towel dispenser 7# operating force.

All but soap dispenser will be remedied

Men's Toile Instant water heater cuts into clear floor space at lavatory.

Reconfigure to provide compliant clear floor space.

Women's Automatic dryer 9# operating force, stall door 9# operating force, soap dispenser 7# operating force.

All but soap dispenser will be remedied

Women's Lavatory is missing insulation

Cover drain line and supply lines.

Women's Lavatory knee clearance is obstructed by overflow drain pipe.

Reconfigure to provide compliant clear floor space.

Women's Toilet Room Floor slope to drain is 4.1%

A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.

2495

Exterior The unauthorized parking signage has a phone number but not a name listed.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Store # Location Issue

Remedy

2495

Exterior Signage arrow needs to be replaced on signage at east stair.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Unisex #1 Hook behind the door is too high.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Unisex #1 Clearance under side grab bar to top of toilet paper dispenser is 1".

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Unisex #1 Door hardware is a compliant type, but operated by a key which requires pinching the fingers and twisting of the wrist.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Unisex #1 Excessive floor slopes at drain.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Unisex #2 Door hardware is a compliant type, but operated by a key which requires pinching the fingers and twisting of the wrist.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Unisex #2 Excessive floor slopes at drain.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

Unisex #2 Hook behind the door is too high.

This store will be remodeled within the next year and will be subject to successor remodel requirement.

2521

Exterior The tow-away warning sign at the Balsam Street driveway entrance does not provide a reclaiming address or an area code for reclaiming phone number.

Provide required information in tow-away sign(s).

Exterior East entrance: an ISA is provided on the double doors, but it is blue-on-clear. It provides no contrast, which makes it almost imperceptible, especially from a distance.

Provide appropriate signage.

Exterior The tow-away warning sign at the N. China Lake Blvd. driveway entrance does not provide a reclaiming address or an area code for reclaiming phone number.

Provide required information in tow-away sign(s).

Exterior An L-shaped ramp provides access from the public sidewalk along N. China Lake Blvd. to the store. One of the handrails does not extend 12" beyond the top of the ramp run.

Add handrail extension.

Exterior North entrance: ISAs are provided on the double doors, but they are blue-on-clear. They provide no contrast, which makes them almost imperceptible, especially from a distance.

Provide appropriate signage.

Men's Toile The accessible toilet stall door is not self-closing.

Install self-closing hardware.

Men's Toilet Room The toilet paper dispenser is mounted < 19" AFF to the centerline of the roll of paper, as required. Measured at 17 1/2" AFF at the time of the survey, with this type of dispenser, the effective height of the dispenser is lowered as the paper is diminished and the roll of paper drops. The dispenser is also located too far from the rear wall (39" measured from the rear wall to the far end of the roll vs. 36" maximum allowed).

Relocate toilet paper dispenser to compliant location.

Women's The accessible toilet stall door is not self-closing.

Install self-closing hardware.

Store # Location Issue

Remedy

2521

Women's Toilet Room	The toilet paper dispenser is mounted < 19" AFF to the centerline of the roll of paper, as required. Measured at 18" AFF at the time of the survey, with this type of dispenser, the effective height of the dispenser is lowered as the paper is diminished and the roll of paper drops. The dispenser is also located too far from the rear wall (38 1/2" measured from the rear wall to the far end of the roll vs. 36" maximum allowed).	Relocate toilet paper dispenser to compliant location.
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2555

Exterior	West driveway entrance from Murray Avenue: No tow-away warning sign is provided here, or at any of the other possible approaches to the parking lot from this driveway entrance.	Provide required tow-away sign.
Exterior	West (main) entrance: One leaf of the door is equipped with a power-assist device. There is no push-plate activator inside the store; one pushes on the door to activate the device. There is a single push-plate activator outside; there is no low push-plate.	Install activator inside store.
Exterior	West (main) entrance: One leaf of the door is equipped with a power-assist device. There is no push-pad activator inside the store; one pushes on the door to activate the device. The force required to push the door (before it begins opening) is 10# (vs. 5# maximum required).	Install activator inside the store.
Exterior	There are a total of 58 parking spaces onsite; 2 of which are designated as accessible (vs.3 minimum accessible parking spaces required).	Provide three compliant accessible spaces one of which is van accessible.
Exterior	North driveway entrance from Leavesley Road: The tow-away warning sign does not provide a reclaiming address, and the reclaiming phone number lacks an area code. Additionally, the sign is positioned in an odd fashion; perpendicular to drive.	Provide required information in tow-away sign(s).
Exterior	West (main) entrance: The exterior pavement within the required exterior door landing area slopes up to 6.3% (vs. 2% maximum allowed). One leaf of the door is equipped with a power-assist device.	Signage to accessible route will be provided.
Interior	The "Take a JobApp" dispenser is mounted 50" AFF in a corner above a 44 3/8" high counter. Because it is located in a corner, the required clear floor space is not provided.	Move job applications to accessible location.
Men's Toilet	The floor in front of the urinals slopes up to 5.0% to drain (vs. 2% maximum allowed).	Redo floor around drain to ensure compliant slope and cross slope.
Men's Toilet	The toilet paper dispenser is mounted too low. Its dispensing point is located 16 1/8" AFF (vs. 19" minimum AFF required).	Relocate toilet paper dispenser to compliant location.
Men's Toil	The lavatory drain line is not covered at all; the hot water supply line is not completely covered.	Cover hot water supply and drain lines.
Men's Toil	The floor drain cover is not fixed in place.	Fix floor drain.
Women's Toilet	The floor in the middle of the toilet room slopes up to 3.8% to drain (vs. 2% maximum allowed).	Redo floor around drain to ensure compliant slope and cross slope.

2563

Exterior	Tow-away warning signs (2) do not provide the required reclaiming information. Only one provides a phone number, and neither provides a reclaiming address.	Provide required information and/or signage.
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Store # Location Issue

Remedy

2563

Men's Toilet	Toilet room door: The thumb-turn lock requires tight pinching and twisting of the wrist to operate.	Replace door hardware with compliant hardware.
Men's Toilet	The double roll toilet paper dispenser is mounted 45" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.
Men's Toilet	Noncompliant lavatory faucet control.	Replace faucet control with lever handle hardware.
Men's Toilet	The paper towel dispenser is mounted 44" AFF to its pull-down lever (vs. 40" AFF maximum allowed per the CBC).	Lower paper towel dispenser to 40" AFF.
Men's Toilet	The floor drain cover is not fixed in place, creating a potential hazard.	Fix floor drain.
Women's Toilet	The double roll toilet paper dispenser is mounted 39 3/4" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.

2671

Exterior	The tow-away warning sign at the Pacheco Blvd. driveway entrance does not provide the required reclaiming information.	Provide required information and/or signage.
Exterior	North entrance: An ISA sign is not provided; a directional sign displaying an ISA instructs patrons to use the west (main) entrance. The exterior door hardware has been removed, but at the time of the survey the door was not locked to the outside. In fact the door is on a pivot hinge which allows it to swing in and out of the store. There are no apparent reasons why this door cannot be considered accessible.	Install ISA signage and ensure that door remains accessible.
Exterior	A total of 11 tables with 40 seating positions are provided in the exterior dining area. 2 accessible seating positions are required. Fixed seats have been removed from two tables, presumably for accessibility. A third table come closest to being accessible, but each of the three have an issue or two. (photos 30475-30485) The knee space under the table when approached from the open wide side is 10 1/2" deep (vs. 19" minimum required). The required depth is available if one utilizes the end, but the table is only 24" wide. (photos 30495-30505) This table has the same issues as the first. (photos 30486-30494) This table is compliant; should have ISA indicating this.	Add ISA sign to table in photos 30486-94.
Exterior	The Burger King parking lot can be accessed from the adjacent Mountain Mike's Pizza parking lot. The tow-away warning sign at the driveway entrance to Mountain Mike's lot does not provide a reclaiming address or an area code for the reclaiming phone number. There are no other tow-away warning signs at the entry driveways from Mountain Mike's to Burger King.	Provide required information and/or signage.
Exterior	"NO PARKING" is not painted in the designated accessible parking space access aisle, and the access aisle is not outlined in blue, as required.	Paint "no parking" in access aisle.
Interior	A portable game(?) reduces the clear length of the accessible order pick-up counter from 38 1/2" down to 27" (vs. 36" minimum required).	Ensure accessible counter is unobstructed.
Men's Toilet	The gap between the rear grab bar and the wall is 2 3/4" vs. 1 1/2" required.	Reposition grab bars to provide compliant gap.
Men's Toilet	The lavatory hot water supply line is not fully covered to prevent contact.	Cover hot water supply and drain lines.
Women's	The accessible toilet stall door is not self-closing.	Install self-closing hardware.

Store # Location Issue

Remedy

2671

Women's	The drain and hot water supply lines under the lavatories are not fully covered to prevent contact.	Cover hot water supply and drain lines.
Women's Toilet Room	The floor within the accessible toilet stall slopes up to 6.0% to drain (vs. 2% maximum allowed).	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
Women's Toilet	Toilet room door: A stored high chair obstructs the required push side hinge approach door maneuvering clear area.	Relocate stored high chair.
Women's	The gap between the rear grab bar and the wall is 2 5/8" vs. 1 1/2" required.	Reposition grab bar to provide compliant gap.
Women's	The door latching slide-bolt hardware is misaligned. As such it requires pinching to operate.	Repair slide-bolt hardware.

2795

Exterior	The sidewalk along the northeast corner of the store provides access to the delineated accessible route to the public sidewalk along Hopyard Road. A section of the sidewalk has cross slopes as high as 4.5% (vs. 2% maximum allowed).	Strategic will notify city of this issue.
Exterior	Northwest entrance: The closer arm prevents the door from opening 90° (4 1/2" short of 90° over the width of the door).	Adjust closer so that a full 90-degree opening is possible.
Exterior	The sidewalk along the northeast corner of the store provides access to the delineated accessible route to the public sidewalk along Hopyard Road. A section of the sidewalk is uplifted creating a vertical offset as high as 1" (vs. 1/4" maximum allowed; 1/2" maximum if beveled at a 1:2 maximum slope).	Strategic will notify city of this issue.
Exterior	A curb ramp located off the northeast corner of the store provides access to the delineated accessible route to the public sidewalk along Hopyard Road. The clear width between side flares is 34" (vs. 36" min. per ADA, 48" min. per CBC).	Widen curb ramp.
Exterior	There is a 1" high vertical offset within the delineated accessible route where the asphalt pavement meets the public sidewalk.	Provide properly beveled vertical offset.
Exterior	A roughly 30 sq. ft. section of asphalt pavement at the head of the access aisle slopes between 3.5% - 6.2%.	Replace section of pavement with excessive slope.
Exterior	Tow-away warning signs are not consistently provided at the driveway entrances into the shopping center, of which this store is a part. They are provided at each end of the parking lane on the north side of the store where the (Burger King's) designated accessible parking spaces are located. The tow-away warning signs do not provide a reclaiming address, and the reclaiming phone number lacks an area code.	Provide required information in tow-away sign(s).
Exterior	Northeast entrance: The clear-on-blue ISA provides little contrast, and is difficult to make out, especially from a distance.	Provide appropriate signage.
Interior	Northeast entrance: A large advertising placard placed in front of the door reduces the push side hinge approach door maneuvering clear depth to 41" (vs. 42" minimum required per ADA; 44" minimum per CBC).	Relocate advertising placard and ensure maneuvering clearance remains unobstructed.

Store # Location Issue

Remedy

2795

Interior A total of 20 tables with 71 seating positions are provided in the restaurant. 4 accessible seating positions are required. 2 accessible seating positions are provided. 2 round tables are marked with ISAs, but the table bases obstruct the required knee/toe space beneath them. 4 booths provide the required knee space width, but table support brackets reduce the clear height to less than the minimum required height of 27".

This seating area will be modified to have at least 4 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.

Men's Toilet The water closet is located 19"-19 3/4" from the side wall measured to the center of the fixture. Relocate water closet to compliant location.

Men's Toilet The toilet paper dispenser is mounted too low. Its dispensing point is located 16 3/4" AFF (vs. 19" minimum AFF required). Relocate toilet paper dispenser to compliant location.

Men's Toilet The floor in front of the lavatory and urinal slopes up to 3.7% to drain (vs. 2% maximum allowed). Redo floor around drain to ensure compliant slope and cross slope.

Women's Toilet Knob-style door hardware that also has a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate. Replace door hardware with compliant hardware.

Women's Toilet The floor in the middle of the toilet room slopes up to 3.6% to drain (vs. 2% maximum allowed). Redo floor around drain to ensure compliant slope and cross slope.

Women's Toilet The toilet paper dispenser is mounted too low. Its dispensing point is located 16" AFF (vs. 19" minimum AFF required). Relocate toilet paper dispenser to compliant location.

2891

Exterior The emergency exit door at the south is not an accessible means of egress because there is only a 48" depth of clearance at the swing side of the door. Recommend removing access signage. Remove access signage.

Exterior South single door at main entrance: the door has an interior strike side clearance of 4.25" instead of the required 12" because the door has a closer and a latch. Recommend removing access signage on this door because the two adjacent doors at the entry are compliant. Remove access signage from this door.

Exterior There are 3 tow away signs on the property: one at each driveway and one on a low fence as you enter the driveway. The reclaimed vehicle information at the south driveway displays different phone number than the other two signs. Provide required information in tow-away sign(s).

Women's Knee clearance obstructed by overflow piping. Reconfigure to achieve compliant knee clearance.

Women's Soap dispenser push pad is too high at 44" Lower soap dispenser to max 40" AFF.

2893

Exterior Compliant tow-away warning signage is not provided at the driveway entrance from Central Avenue (or at any of the specific entrances to the Burger King parking area). ☐Signage at the designated accessible parking spaces warn of towing, but they do not comply with the standards. Provide required tow-away sign.

Exterior A new designated accesible route has been provided from the property to the public sidewalk along and the bus stop on Central Avenue. ☐The route crosses the drive-through lane, sections of which are in a state of disrepair with potholes that create vertical offstes up to 7/8" in height. Repave to repair potholes.

Store # Location Issue

Remedy

2893

Exterior	A new designated accesible route has been provided from the property to the public sidewalk along and the bus stop on Central Avenue. Passing through a landscape berm, it is not readily apparent, especially from distance, to someone traveling along the public sidewalk. No signage is provided identifying this accessible route.	Provide appropriate signage.
Exterior	Compliant tow-away warning signage is not provided at the driveway entrance from San Bernardino Street. Signage at the designated accessible parking spaces warn of towing, but they do not comply with the standards.	Provide required tow-away sign(s).
Men's Toilet	The thumb turn locking mechanism on the door knob requires tight grasping, pinching, and/or twisting of the wrist to operate.	Replace door hardware with compliant hardware.
Men's Toilet Room	The toilet paper dispenser is mounted 47 1/2" AFF measured to the bottom dispensing point. The CBC requires that it be mounted no higher than 40" AFF, but since mounting it at that height would conflict with and/or obstruct the side grab bar, the dispenser must be mounted below the grab bar.	Relocate toilet paper dispenser to compliant location.
Women's Toilet Room	The toilet paper dispenser is mounted 46" AFF measured to the bottom dispensing point. The CBC requires that it be mounted no higher than 40" AFF, but since mounting it at that height would conflict with and/or obstruct the side grab bar, the dispenser must be mounted below the grab bar.	Relocate toilet paper dispenser to compliant location.

2901

Exterior	Designated accessible parking spaces are provided in the lot on the north side of the store. The access aisle is 90 3/4" wide measured from centerline-to-centerline of striping (vs. 96" minimum wide required).	Restripe to compliant dimensions.
Exterior	2 tow-away warning signs are provided at the 15th Street W. driveway entrance. One does not provide a reclaiming address or phone number, the other does not provide an area code for reclaiming phone number.	Provide required information in tow-away sign(s).
Exterior	Tow-away warning signs are provided at other driveway entrances (along 15th St, W and Youngblood Pl.) to the shopping center of which this store is a part. Of the three surveyed, none provide a reclaiming address or phone number.	Provide required information in tow-away sign(s).
Exterior	A pedestrian route is provided from the northeast corner of the store to the public sidewalk along 15th Street W. The route crosses a gutter that slopes up to 9.9% (vs. 5% maximum allowed).	Reconfigure gutter to achieve compliant slope.
Men's Toilet Room	Insulation is provided for the lavatory drain and supply lines, but it is improperly installed. A portion of the drain line is not completely covered, the hot supply line is not covered, and both the hot and cold side angle stops are exposed.	Cover hot water supply and drain lines, as well as the sharp angle stops.

2976

Exterior	The striping at the DAPS is wearing and difficult to read.	Replace faded striping.
Exterior	Unauthorized Parking Signage does not have the name of the contact for reclaiming vehicles but it does have the phone number.	Provide required information in tow-away sign(s).
Men's Toil	Urinal 10#, toilet 10#, soap dispenser 10#	All but soap dispenser will be remedied
Men's Toil	Floor drain cover is recessed more than 1/4" from the floor level.	Raise drain cover.

Store # Location Issue

Remedy

2976

Women's	Drain pipe insulation is not fully covered.	Cover drain pipe.
Women's	The privacy latch on the stall door is the sliding type and does not align with the slide lock receiver.	Replace latch with compliant working hardware.
Women's	Drain is recessed more than 1/4" from the floor level.	Raise drain cover.
Women's	Soap dispenser force to operate is 10#, toilet 9#.	All but soap dispenser will be remedied
Women's	Soap dispenser encroaches into lavatory clear floor space.	Relocate soap dispenser closer to the lavatory.

3034

Women's	The soap dispenser operating height is 47" above the floor.	Lower soap dispenser to max 40" AFF.
Women's	Insulation does not cover the entire drain pipe.	Cover drain pipe.

3147

Exterior	Off the northeast corner of the store there is a delineated route to the adjacent shopping center that crosses drive-thru lane. A pothole in the asphalt pavement within the delineated route is 1 3/4" deep.	Repave or fill pothole.
Exterior	The Tow-away warning sign at the driveway entrance directly southeast of the store does not provide a reclaiming address.	Provide required signage and information.
Exterior	East entrance: The ISA is installed on the inside face of the glass door. The glare is so bad that it is very difficult to see, especially from a distance.	Provide appropriate signage.
Exterior	South entrance (to exterior dining patio): A small ISA is provided, but it faces into the store.	Provide appropriate signage.
Exterior	The restaurant is located within a large shopping center complex; there are multiple possible vehicular entrances into what might be considered the BK parking lot. The Tow-away warning sign at the driveway entrance southeast of the BK parking lot does not provide reclaiming information, and no other tow-away warning signs are provided at the other possible entrances to the BK lot or at the designated accessible spaces.	Provide required signage and information.
Men's Toilet	The lavatory drain line is not completely covered.	Cover hot water supply and drain lines.
Men's Toilet	The toilet paper dispenser (recessed combo unit) is mounted 39 1/4" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required).	Relocate toilet paper dispenser to compliant location.
Men's Toilet Room	The clearance below the side grab bar to the toilet paper dispenser is 0" (vs. 1 1/2" minimum required). The grab bar is mounted 33 1/8" AFF measured to its centerline; the TP dispenser is mounted 21 1/2" AFF to its bottom (dispensing point).	Lower toilet paper dispenser to provide compliant clearance.
Women's Toilet Room	The clearance below the side grab bar to the toilet paper dispenser is 1/8" (vs. 1 1/2" minimum required). The grab bar is mounted 32 3/4" AFF measured to its centerline; the TP dispenser is mounted 21" AFF to its bottom (dispensing point).	Lower toilet paper dispenser to provide required clearance.
Women's Toilet	A coat hook is mounted on the back of the toilet room door at 72" AFF, side reach available (vs. 54" AFF maximum allowed).	Lower coat hook to 48 inches.

Store # Location Issue

Remedy

3147

Women's	The floor drain cover is not fixed in place, creating a potential hazard.	Fix floor drain.
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3157

Exterior	Northeast entrance: A door stop stops the toilet room door 4 1/2" from opening 90°.	Remove or replace door stop to ensure door can open 90 degrees.
Exterior	Tow-away warning signs (2) do not provide a reclaiming address.	Provide required information and/or signage.
Exterior	There are two walkways onto the Burger King property/parking lot from the public sidewalk along McDowell Blvd.; only one of them is accessible. One's view (along the public sidewalk from a distance) of it is obscured by surrounding landscaping. No signage is provided to identify it, and no signage is provided at the inaccessible walkway to direct patrons to it.	Provide appropriate signage.
Interior	The loose ketchup dispenser requires two hands to operate. Where it currently sits, there is no place to set one of the little cups. As such one must hold the cup with one hand while operating the cup with the other.	Replace dispenser with one that can be used with one hand.
Interior	A total of 25 tables with 77 seating positions are provided in the restaurant. 4 accessible seating positions are required. 4 tables located along a wall in the front half of the store have been modified, presumably for accessibility. 3 of the 4 are marked with an ISA. (photos 31951-31984) The 24" deep tables provide the required knee space, and are of a compliant height, but as arranged, they provide no place for a companion to sit - except at one of the adjacent designated accessible tables. (photos 31985-31995) A fixed bench has been removed from a 5th table, that is not marked with an ISA. From its wide side the knee space depth measured to the table support is 11 1/2" (vs. 19" minimum required). The required depth is available if one accesses the table from the end, but the table top is just 24" wide.	Provide 4 compliant accessible seating positions that are integrated into the remainder of the dining area.
Men's Toilet	The door latching turn-bolt hardware is misaligned. As such, one must pinch and turn the handle while pushing the door tightly closed in order to lock the door.	Replair or replace door latching hardware so that it does not require grasping or pinching.
Men's Toilet	Two toilet paper dispensers are provided; one above and one below the side grab bar. The former is mounted 1" above the grab bar (vs. 12" minimum required), and obstructs access to it.	Remove the toilet paper dispenser above the grab bar.
Men's Toil	Two toilet paper dispensers are provided; one above and one below the side grab bar.	Remove toilet paper dispenser from above the grab bar.
Men's Toilet	The paper towel dispenser is mounted 44" AFF to its pull-down lever (vs. 40" AFF maximum allowed per the CBC).	Lower paper towel dispenser to 40" AFF.
Men's Toil	A cover is provided for the hot water supply line, but it is not in properly in place.	Cover hot water supply and drain lines.
Women's	The lavatory hot water supply line is not fully covered to prevent contact.	Cover hot water supply and drain lines.
Women's Toilet	Two toilet paper dispensers are provided; one above and one below the side grab bar. The former is mounted 3/4" above the grab bar (vs. 12" minimum required), and obstructs access to it.	Remove the dispenser above the grab bar.
Women's Toilet	The clearance beneath the rear grab bar to the toilet flush mechanism is 3/4" (vs. 1 1/2" minimum required). The rear grab bar is mounted at 33 1/8" AFF measured to its centerline.	Raise grab bars one inch.

3160

Store # Location Issue

Remedy

3160

Exterior	A tow-away warning sign is not provided at the driveway entrance into the property south of the store.	Provide required information and/or signage.
Exterior	A curb ramp extends into the parking area, but the designated accessible parking spaces have been pushed outside its slope, and over 6' beyond the length of the adjacent spaces. This results in a 22' wide drive aisle at the designated accessible parking spaces. 24' is generally accepted as the minimum width for drive aisles for 90° parking. From what I have been able to find, the City of Fresno requires a minimum width of 27'.	This issue has been, or will be, remedied.
Exterior	Tow-away warning signs (2) do not provide a reclaiming address or an area code for the reclaiming phone number.	Provide required information and/or signage.
Interior	A total of 24 tables with 79 seating positions are provided in the restaurant. 4 accessible seating positions are required. There are 5 tables that are indicated as accessible, albeit some ISAs are missing or worn off. 3 of the have issues. (photos 29362-29378) The ISA has worn off this 30" deep table. Metal supports under this table reduce the clear knee space height to 26 3/8" in the middle and 23" on the outside edges. They also create an unseen hazard. (photos 29379-29390) Marked with an ISA, this 30" deep table is compliant. (photos 29391-29408) This table, not marked with an ISA, is similar to the first, except that it is just 24" deep. Unseen metal supports projecting into the required knee space create an unseen hazard. (photos 29409-29416) Marked with an ISA, this 30" deep table is compliant. (photos 29417-29429) This table is marked with an ISA, and is, itself, compliant. But it is located right at the entrance to the dining area from the service and beverage counter area. The accessible seating position is located such that a wheelchair user sitting at it will reduce the 55" wide access aisle to 28" (vs. 36" minimum required).	This seating area will be modified to have at least 4 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.
Men's Toilet Room	The accessible stall has an in-swinging side-opening door. The door is located 51 1/8" from the rear wall (behind the floor-mounted water closet). The required minimum clear floor depth for a floor-mounted water closet is 59", as such the door swings across the required water closet clear floor space, which is not permitted.	Reverse the swing of the door.
Men's Toile	The stall door latching hardware is missing.	Provide compliant door latching hardware.
Men's Toilet	The paper towel dispenser is mounted 45" AFF to its pull-down lever (vs. 40" AFF maximum allowed per the CBC).	Lower paper towel dispenser to 40" AFF.
Women's	The hot water supply line under the lavatory is not fully covered to prevent contact.	Cover hot water supply and drain lines.
Women's	The drain and hot water supply lines under the lavatory are not fully covered to prevent contact.	Cover hot water supply and drain lines.
Women's Toilet Room	A large loose roll of toilet paper is stored on top of the side grab bar. The roll is too large to fit in the dispenser, which is empty. The roll obstructs access to the side grab bar, and because one hold the roll with one hand while using the other to take the paper, two hand operation is required.	Ensure that dispenser has toilet paper of the proper size, so that staff will not place loose roll on the grab bar.
Women's Toilet	The side grab bar is not affixed tightly to the wall. It rotates in its fittings, and not all of the screws are in place.	Properly affix grab bar to wall.
Women's Toilet Room	The accessible stall has an in-swinging side-opening door. The door is located 48 5/8" from the rear wall (behind the floor-mounted water closet). The required minimum clear floor depth for a floor-mounted water closet is 59", as such the door swings across the required water closet clear floor space, which is not permitted.	Reverse the swing of the door.

Store # Location Issue

Remedy

3160

Women's Toilet Room	Toilet room door: The door drags on the floor 5 1/2" from being opening 90°. The door will open 90°, but doing so requires a 15# force (vs. 5# maximum allowed).	Repair door to ensure it does not drag and that it requires no more than 5 lbs of force to open to a full 90 degrees.
Women's	The toilet stall door is not self-closing.	Install self-closing hardware.

3208

Exterior	Directional signage should be posted at the stoplight intersection of the driveway to Burger King/ 11th Street and Eureka Way indicating the accessible route off of Willis Street. Also, there are two accessible routes of travel from Willis Street, one from the corner and one further south. The accessible route from the corner has cross slopes over that exceed 6% and in the way of vehicular traffic. It is recommended to place the directional signage at the south pedestrian access on Willis Street indicating this route as the accessible route.	Add signage as recommended.
Exterior	Unauthorized Parking signage does not give the name of a facility, but gives two different phone numbers.	Provide required information in tow-away sign(s).
Men's Toilet Room	Slopes to the drain are over 3%.	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
Men's Toilet	Toilet paper dispenser has two dispensing points depending on how the roll is installed. One is compliant at 33", one is not compliant at 39". Centerline to the dispenser is 36"	Relocate toilet paper dispenser to compliant location.
Men's Toilet	Paper towel dispenser is too high at 46".	Lower paper towel dispenser to max. 40" AFF.
Women's Toilet Room	Slopes to the drain are over 3%.	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
Women's	Paper towel dispenser is too high at 46".	Lower paper towel dispenser to max 40" AFF.
Women's Toilet	Toilet paper dispenser has two dispensing points depending on how the roll is installed. One is compliant at 32.5", one is not compliant at 38.5". Centerline to the dispenser is 35.5"	Relocate toilet paper dispenser to compliant location.

3217

Exterior	Accessible route from the public way is not near the driveway entrance, but exists off of another street. The directional sign with the ISA is misleading, especially when the sign gets turned around on the pole, and does not really indicate the location of the accessible route. Suggest including verbiage with the directional sign and ISA that states "Pedestrian access off of Appian Way".	Provide recommended signage.
Exterior	Unauthorized parking signage does not indicate vehicle reclaiming information.	Provide required information in tow-away sign(s).
Men's Toilet	Door hardware is too high at 51.5" centerline.	Lower door hardware to compliant height.
Men's Toilet	Rear bar is 30" long, and does not extend 24" past the centerline of the toilet.	Replace rear grab bar with bar that is 36" long and mounted in a compliant location.
Women's	The dispensing point of the toilet paper dispenser is up to 48" from the rear wall.	Relocate toilet paper dispenser to compliant location.

Store # Location Issue

Remedy

3217

Women's Door hardware is too high at 52.5" centerline.

Lower door hardware to compliant location.

3233

Exterior The Tow-away warning signs (3) are incorrectly filled-out. They do not provide a reclaiming address or an area code for the reclaiming phone number. A complete phone number is provided on a second "Van Accessible" sign that is mounted below the tow-away warning sign, but this sign belongs at the accessible parking space, not here. "Minimum Fine \$250" has been added 2 of the 3 signs. This also is not the proper location for this information.

Provide required signage and information.

Exterior A "Van Accessible" sign is not provided along with the ISA signage at the head of the designated accessible parking space.

Add required signage.

Exterior West entrances (2): Exterior door hardware has been removed from the north door, and it appears to be abandoned altogether. The south door is locked to the outside. No directional signage is provided on the north door; an arrow pointing toward the main entrance is provided on the south door along with "Exit Door Only". An ISA is also provided on this door. An ISA with an arrow would be more correct here. (There are no exterior issues that prevents the south door from being accessible except that the threshold is 3/4" high and the exterior landing slopes up to 2.6%.)

Appropriate signage will be provided.

Interior A total of 23 tables with 58 seating positions are provided in the restaurant. 3 accessible seating positions are required. 4 possible accessible tables are provided, but there are problems with each: (photos 25070-25082) This table is not marked with an ISA, but its top has been modified, presumably to improve access. The clear knee space depth from the wide side is 17 1/4" (vs. 19" minimum required). Sufficient depth is provided from the ends, but the table is only 24" wide. (photos 25057, 25083-25094) This table is marked with a surface-applied raised ISA, which gets in the way of anyone sitting on the wide side of the table. Regarding the wide side, the aisle is just 36" wide measured to the opposing table. A wheelchair user sitting in this position will reduce the clear width by at least 27", resulting in just a 9" wide aisle (vs. 36" minimum required). A wheelchair user sitting at the end of the table will project partway into the adjacent doorway. (photos 25095-25105, 25064) This table is not marked with an ISA, but it is 1 of 2 that is 30" wide. The aisle on one side is 34" wide, and on the other 36" wide. A wheelchair user sitting at these locations will reduce the clear width of the aisles to 7" and 9", respectively. (photos 25106-25114) This table is not marked with an ISA. It provides the required knee space depth, but the table is only 24" wide, and a wheelchair user sitting here will project into and obstruct access to the exit doorway.

This seating area will be modified to have at least 3 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.

Men's Toilet The lavatory drain line is not insulated or otherwise covered to prevent contact.

Cover hot water supply and drain lines.

Women's The lavatory drain and hot water supply lines are not completely covered.

Cover hot water supply and drain lines.

Women's Toilet Toilet room door: The door requires excessive force to open a full 90°; there is a problem with the closer arm. The force required to open it the last 16" or so = 21# (vs. 5# maximum allowed).

Repair closer.

3246

Exterior The tow-away warning sign at the Capitol Expressway driveway entrance does not provide a reclaiming address or an area code for the phone number(s).

Provide required information and/or signage.

Store # Location Issue

Remedy

3246

Exterior It is possible for vehicles to enter the site from the adjacent properties to the south and west. There is no tow-away warning sign at the driveway entrance behind the gas station from Senter Road, or at any of the other possible entry points southwest of the store. Provide required information and/or signage.

Exterior 3 designated accessible parking spaces are provided. 1 of the three does not have an identification sign displaying an ISA at its head, and none of them provide the required "Minimum Fine \$250" sign. Provide compliant signage.

Interior Northeast (Main) entrance: The loose floor mat is in very poor condition. Edges are delaminating from the mat, and they are raised as much as 3/4" above the floor. Pushed up against the wall, one corner of the mat is raised 2 1/2" above the floor. Replace floor mat.

Interior Southeast entrance: The loose floor mat is in very poor condition. Edges are delaminating from the mat, and they are raised as much as 1 1/4" above the floor. Replace floor mat.

Interior A total of 21 tables with 57 seating positions are provided in the restaurant. 3 accessible seating positions are required. 3 seating positions are identified as accessible. Two of these are compliant; the third has some issues. (photos 32663-32681) These two 30" deep tables are compliant. (photos 32682-32702) This 24" deep table provides compliant knee space, but it is positioned such that a wheelchair user sitting at it will project 9" directly in front of the southeast exit door. Additionally, if a wheelchair user were to utilize the full depth of the space dedicated to her, it would be difficult at best for a companion to make use of the opposing fixed bench. An accessible table that complies with either the 1991 or 2010 DOJ Standards will be added in a location other than next to the exterior door.

Men's Toilet Two toilet paper dispensers are provided; one above and one below the side grab bar. The former is mounted 6 1/4" above the grab bar (vs. 12" minimum required), and obstructs access to it. Remove the toilet paper dispenser above the grab bar.

Men's Toilet Room Two toilet paper dispensers are provided; one above and one below the side grab bar. The latter is mounted 38 1/8" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required). Remove dispenser above grab bar and relocate lower toilet paper dispenser to compliant location.

Men's Toile Knob-style door hardware requires tight grasping and twisting of the wrist to operate. Replace hardware with compliant hardware.

Women's Toilet Room Two toilet paper dispensers are provided; one above and one below the side grab bar. The latter is mounted 38 7/8" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required). Remove toilet paper dispenser above the grab bar and relocate lower dispenser to compliant location.

Women's The drain and hot water supply lines under the lavatory are not fully covered to prevent contact. Cover hot water supply and drain lines.

Women's Toilet Two toilet paper dispensers are provided; one above and one below the side grab bar. The former is mounted 6 1/4" above the grab bar (vs. 12" minimum required), and obstructs access to it. Remove toilet paper dispenser above the grab bar.

3355

Exterior Compliant tow-away warning signage is not provided at either of the two driveway entrances onto the property from E. San Ysidro Blvd. Provide required tow-away sign(s).

Exterior The single designated accessible parking space does not have a sign that identifies it as van accessible. Add required signage.

Exterior The access aisle (of what should be a van accessible parking space) is 92" wide measured from centerline-to-centerline of striping. Restripe to compliant dimensions.

Store # Location Issue

Remedy

3355

Exterior	A total of 5 fixed exterior dining tables are provided along the west side of the store. A bench has been removed from the northernmost table, presumably in order to create an accessible table. The table itself is compliant, but an adjacent concrete trashcan obstructs access to it.	Replace with table containing accessible seating position that complies with either the 1991 or 2010 DOJ Standards.
Men's Toilet Room	The toilet stall door is not self-closing, and it lacks a proper latch and U-shaped handles. Since there is no latch, the door swings both in and out of the stall. The door is held sort-of closed by a "wet floor" warning cone.	Install self-closing hardware and proper door hardware, and remove "wet floor" warning cone.
Men's Toil	Insulation is provided on the lavatory drain and supply lines, but it is in very poor condition.	Cover hot water supply and drain lines.
Men's Toilet	A "wet floor" warning cone (used to hold the stall door closed) obstructs the stall door maneuvering clear area and the required clear space within the stall.	See previous solution.
Women's Toilet	The double-roll toilet paper dispenser is mounted 39" - 49" from the water closet back wall measured to where paper is dispensed (vs. 36" maximum allowed).	Relocate toilet paper dispenser to compliant location.
Women's	Insulation is provided on the lavatory drain and supply lines, but it is in very poor condition.	Cover lavatory drain line.

3441

Interior	Access to the playplace structure has a slope on the rubber flooring at 29.7%.	This issue will be remedied.
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3459

Interior	The floor mat to the play place is not accessible to wheelchairs. The ramp edge is 27% slope and the vertical rise to the ramp is greater than 1/4".	This issue will be remedied.
Men's Toil	The soap dispenser is 47" above the floor.	Lower soap dispenser to max. 40" AFF.
Men's Toil	The toilet paper dispenser dispensing point can be up to 42" from the rear wall.	Relocate toilet paper dispenser to compliant location.
Men's Toil	The lavatory mixing valve requires pinching of the fingers and twisting of the wrist.	Replace lavatory controls.
Men's Toil	Soap dispenser force 10#, paper towel dispenser force 17#, hand dryer 17#	All but soap dispenser will be remedied
Women's	The soap dispenser is 47" above the floor.	Lower soap dispenser to max 40" AFF.
Women's	Toilet force to operate is 15#, paper towel dispenser is 10#, hand dryer is 12#, soap dispenser is 20#	All but soap dispenser will be remedied

3530

Exterior	The store is an island unto itself; bordered on all sides by roads. A ramp located west of the store provides access to the public sidewalk along the Redwood Highway (south). There is no identifying signage at the ramp or directional signage at any of the other possible decision/entry points onto the site to inform pedestrians of its existence and location.	Provide appropriate signage.
Exterior	2 designated accessible parking spaces are provided in the parking lot on the northwest side of the store. Wheel stops are not long enough and/or positioned properly to prevent vehicles from pulling forward in the spaces so that they cannot overhang and obstruct the required accessible route.	Install proper wheelstops.
Men's Toil	Sharp hose clamps are exposed beneath the lavatory.	Cover sharp hose clamps.

Store # Location Issue

Remedy

3530

Men's Toilet The clearance beneath the rear grab bar to the toilet flush mechanism is 3/8" (vs. 1 1/2" minimum required). The rear grab bar is mounted at 33 1/4" AFF measured to its centerline. Raise grab bars one inch.

Men's Toilet Room The toilet seat cover dispenser is mounted 53" AFF measured to its dispensing point (vs. 40" AFF maximum allowed). Mounted on the wall behind the water closet, the required clear floor space in front of it is not provided. Relocate toilet seat cover dispenser to a compliant location with dispensing point at most 40" AFF.

Women's The lavatory hot water supply line is not fully covered to prevent contact. Cover hot water supply and drain lines.

Women's Toilet Room The toilet seat cover dispenser is mounted 53" AFF measured to its dispensing point (vs. 40" AFF maximum allowed). Mounted on the wall behind the water closet, the required clear floor space in front of it is not provided. Relocate toilet seat cover dispenser to a compliant location with dispensing point at most 40" AFF.

Women's Toilet Room Stall door: The lavatory obstructs the required push side latch approach door maneuvering clear depth (existing = 30 1/2" deep measured to the edge of the lavatory vs. 42" minimum required per the ADA; 44" minimum required per the CBC). Relocate lavatory to provide compliant maneuvering clearance.

Women's The toilet stall door is not self-closing. Install self-closing hardware.

Women's Toilet Room The toilet paper dispenser is mounted 45 5/8" AFF to its dispensing point (vs. 40" AFF minimum required), and 49" from the water closet back wall measured to the far edge of the dispenser (vs. 36" maximum required). This dispenser is much too large to be mounted on the wall below the side grab bar, where a dispenser is required. Replace toilet paper dispenser with unit small enough to be located below the grab bar in a compliant location.

3546

Exterior Tow-away warning signs (2) do not provide a reclaiming address or an area code for the reclaiming phone number. Provide required information in tow-away sign(s).

Exterior Pavement markings relocated designated accessible parking spaces have been restriped, and old striping is poorly blacked-out, which creates a confusing parking situation. Repaint to ensure old markings are fully covered and new markings are clear.

Exterior A total of 12 tables with 30 seating positions are provided on the exterior dining patio. 2 accessible seating positions are required. 2 accessible tables / seating positions are provided, but one lacks companion seating. This seating area will be modified to have at least 2 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.

Men's Toilet The toilet paper dispenser is mounted too low. Its dispensing point is located 16" AFF (vs. 19" minimum AFF required). Relocate toilet paper dispenser to compliant location.

Men's Toilet The clearance beneath the rear grab bar to the toilet supply line is 7/8" (vs. 1 1/2" minimum required). Raise grab bars one inch.

Men's Toilet Toilet room door: A wall-mounted paper towel dispenser is located within and obstructs the required pull side door maneuvering clear area. Relocate paper towel dispenser to compliant location.

Men's Toilet The lavatory hot supply line is not wrapped or otherwise insulated to prevent contact. Cover hot water supply and drain lines.

Women's Toilet Room The lavatory is located at the end of a 102" long x 42 1/2" wide alcove. A 9" deep wall-mounted paper towel dispenser located 4' from the end wall reduces the clear width of the alcove to 33 1/4" (vs. 36" minimum required). It would be best if the dispenser was mounted on the wall adjacent to the lavatory. Relocate paper towel dispenser to wall adjacent to lavatory.

Store # Location Issue

Remedy

3546

Women's The lavatory hot supply line is not wrapped or otherwise insulated to prevent contact.

Cover drain and supply lines.

3580

Exterior East entrance: The exterior pavement within the required pull side latch approach door maneuvering clear area slopes up to 5.1% (vs. 2% maximum allowed). A directional sign posted on the window by the door directs patrons to the north entrance. There is no similar directional or warning signage inside the store.

Provide directional signage inside the store.

Exterior No tow-away warning sign is provided at the southeast driveway entrance from Commerce Blvd. (A compliant and correctly filled-out sign is provided at the northeast driveway entrance.)

Provide required tow-away signage.

Exterior There is just one possible accessible route provided from the public sidewalk to the store that doesn't require patrons to pass behind parked vehicles; it involves the use of what amounts to a built-up asphalt curb ramp located off the northeast corner of the store. The pavement slopes up to 8.2%, which is < the 8.33% maximum allowed, but the side flare slopes as much as 18.2% (vs. 10% maximum allowed). The curb ramp also does not meet other requirements for contrast, grooved borders, and detectable warnings.

Replace curb ramp with compliant curb ramp.

Exterior 2 newly relocated and paved designated accessible parking spaces are provided in the parking lot on the north side of the store. A roughly 3' wide strip of pavement that runs across the back length of the spaces slopes between 2.6% - 5.5%, and the pavement along the far west edge slopes between 4.2% - 11.1% (vs. 2% maximum allowed).

Repave to achieve compliant slopes.

Interior A total of 22 tables with 79 seating positions are provided in the restaurant. 4 accessible seating positions are required. Two tables are designated as accessible, and they provide the required knee space, but they are fixed in place in a manner that makes them essentially single-user tables (photos 18474-18502). 1 other table meets the requirements for an accessible dining table (photos 18515-18526), but it is not identified as such. The ends of two other tables can be used, but they are not identified as accessible, and the ends are only 24" wide (photo 18508, 18923-18937).

This seating area will be modified to have at least 4 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards. At least two of these seating positions will be at locations that the person using a wheelchair will be facing windows and/or other tables.

3587

Exterior Tow-away warning signs (2) do not provide a reclaiming address.

Provide required information in tow-away sign(s).

Exterior Southwest entrance: An ISA is provided on the door, but it faces inside, not outside, as required.

Provide appropriate signage.

Men's Toilet Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.

Replace coin-operated door hardware with compliant hardware.

Women's Toilet Coin-operated door hardware with a thumb-turn lock requires tight grasping, pinching, and/or twisting of the wrist to operate.

Replace coin-operated door hardware with compliant hardware.

3777

Exterior A total of 7 tables with 30 seating positions are provided in the restaurant. 2 accessible seating positions are required. 2 designated accessible tables/seating positions are provided, but neither of them provide compliant knee space. Angled metal tabletop supports under the tables reduce the clear knee height to as low as 25 3/8" AFF (vs. 27" minimum AFF required), and torn and hanging sheets of sharp thick plastic hang as low as 24" beneath one of them. Both of these conditions create easily unseen hazards.

This seating area will be modified to have at least 2 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.

Store # Location Issue

Remedy

3777

Exterior	The exit gate from the exterior dining patio does not have a smooth surface over the bottom 10" of its push side, as required.	Install required 10" panel.
Exterior	A single designated accessible parking space is provided on the west side of the store. Its asphalt surface slopes as much as 8.4% (vs. 2% maximum allowed).	This issue will be remedied, with one possible remedy consisting of relocating a compliant accessible parking space across the drive aisle.
Exterior	A single designated accessible parking space is provided on the west side of the store. Although signed "Van Accessible", it is not. Its access aisle is 60" wide (vs. 96" minimum required for a van accessible access aisle), and the access aisle is located on the driver's side of the designated accessible parking space. Access aisles for single spaces and for van accessible spaces are required to be located on the passenger side when the vehicle is pulled forward into the space.	This issue will be remedied, with one possible remedy consisting of relocating a compliant accessible parking space across the drive aisle.
Exterior	This store is located within a large shopping center; there are multiple site entry points. The tow-away warning signs (2) located at the driveway entrances from North Tustin Street do not provide the required reclaiming address and phone number.	The required signage and information will be provided.
Interior	A total of 21 tables with 65 seating positions are provided in the restaurant. 4 accessible seating positions are required. 4 tables are designated as accessible, but they are not: (photos 27358, 27361-27378) This table does not provide the required 19" knee space depth (existing = 10 1/2" on one side and 14 1/4" on another). (photos 27358, 27379-27408) The knee space depth at this designated accessible table is 17 3/4" deep (vs. 19" minimum required). It and the other three around it (not marked with ISAs) offer, perhaps, the best opportunity among the existing tables for compliance, however. The knee space depth on each of them ranges from 17 1/2" - 18", and when utilized by a wheelchair user they likely will only be able to accommodate 2 people. (photos 27357, 27409-27414) There is no clear access to this corner table, especially if patrons are sitting at the adjacent tables. (photos 27357, 27409, 27415-27430) This table does not provide the required knee space depth (11" to table support vs. 19" minimum required). If one were to attempt utilize the clear space to the side of the post, she would have to sit right up against one of the other tables, and only have 20" of table overlapping the seating position.	This seating area will be modified to have at least 4 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.
Interior	A wall-mounted dispenser for sugars and spices is located in the corner adjacent to the beverage counter such that neither a compliant forward or side reach is possible (per ADAAG Fig. A3(a)). It is also mounted too high (48" - 63" AFF vs. 48" maximum allowed for unobstructed forward reach, 54" maximum for side reach).	The wall-mounted dispenser will be lowered.
Interior	The cover on the drain partially under the beverage counter does not sit flush with the top of the drain. It creates a vertical offset as high as 1 1/4" in front of the counter.	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
Interior	North entrance to patio dining area: The push side door maneuvering clear area width = 9 1/4" measured to the adjacent table vs. 12" minimum required. The door hardware/latch is operational.	Signage will be added directing persons with disabilities to double-door entrance, or the latch will be removed during business hours.
Men's Toilet Room	Toilet room door: High chairs stored outside the toilet room obstruct the required pull side front approach door maneuvering clear area (depth 50 1/2", width = 9" measured to the chairs vs. 60" and 18" minimum required, respectively).	The high chairs will be relocated.
Men's Toi	The toilet paper dispenser is mounted 49" AFF to its bottom/dispensing point.	Relocate toilet paper dispenser to compliant location.

Store # Location Issue

Remedy

3777

Men's Toile The lavatory drain and hot water supply lines are not completely covered. Cover hot water supply and drain lines.

Women's Toile The clearance above the side grab bar to the toilet paper dispenser is 5 3/4" (vs. 12" minimum required). Relocate toilet paper dispenser to compliant location below the grab bar.
This is the only toilet paper dispenser in the stall.

Women's Toile The lavatory drain and hot water supply lines are not completely covered. Cover hot water supply and drain lines.

3827

Exterior Tow-away warning signs (2) do not provide a reclaiming address or phone number. Provide required information in tow-away sign(s).

Exterior A walkway located just south of the intersection of Story and S. White provides pedestrian access from the public sidewalk to the store, but it is not accessible; an accessible route is provided to the store from the public sidewalk along Story Road. Directional signage is not provided at the former nor is an ISA provided at the latter to indicate the location of the accessible route to the store. Add directional signage.

Exterior A delineated accessible route is provided to the store from the public sidewalk along Story Road. There is a 3/4" vertical offset where the concrete walkway meets the asphalt drive-thru lane (vs. 1/4" maximum allowed, 1/2" maximum if beveled at a 1:2 maximum slope). Provide properly beveled vertical offset.

Exterior A delineated accessible route is provided to the store from the public sidewalk along Story Road. The asphalt pavement along the route has cross slopes between 3.0% - 4.4% (vs. 2% maximum allowed) where it meets the bottom of the ramp just off the northwest corner of the store. Replace pavement adjacent to ramp at northwest corner of the stores.

Exterior Two diagonal designated accessible parking spaces are located in the parking lot on the southwest side of the store. Measured on the square for the full width of the access aisle, the spaces are 9'-7" (van) and 11'-0" (standard) long. The CBC requires parking spaces and their access aisles to be a minimum of 18' long, and both standards require access aisles to be fully engaged with the full length of the accessible parking spaces they serve. Restripe to compliant dimensions.

Interior A total of 3 tables with 6 seating positions are provided in the play structure area. 1 accessible seating position is required; 0 are provided. Fixed seats have been removed from one table, presumably to make it accessible, but the knee space beneath it is not high or deep enough. This seating area will be modified to have at least 1 accessible seating position with dimensions that comply with either the 1991 or 2010 DOJ Standards.

Interior Sanitary hand wipes are provided in a dispenser located between the end of the beverage counter and a dining booth. Access to them requires a 30" deep side reach over an obstruction (vs. 24" maximum allowed). Move sanitary hand wipes to an accessible location.

Men's Toile The accessible toilet stall door is not self-closing. Install self-closing hardware.

Men's Toile U-shaped pull hardware is not provided on both sides of the accessible toilet stall door. Move pull hardware below latch.

Men's Toile The floor within the accessible toilet stall slopes up to 4.0% to drain (vs. 2% maximum allowed). Redo floor around drain to ensure compliant slope and cross slope.

Women's Toile The accessible toilet stall door is not self-closing. Install self-closing hardware.

Women's Toile The toilet paper dispenser is mounted too low. Its dispensing point is located 16 1/4" AFF (vs. 19" minimum AFF required). Relocate toilet paper dispenser to compliant location.

Store # Location Issue

Remedy

3827

Women's Toilet	The floor in front of and within the accessible toilet stall slopes up to 3.6% to drain (vs. 2% maximum allowed).	Redo floor around drain to ensure compliant slope and cross slope.
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4405

Exterior	Tow-away warning signs are not provided at either of the driveway entry points into the parking lot or at the accessible parking spaces. A sign is provided in front of Midas at the shared driveway entrance southwest of the store, but it lacks reclaiming information.	Provide required signage and information.
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Exterior	"NO PARKING" is not painted in the designated accessible parking space access aisle.	Paint "no parking" in access aisle.
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Exterior	A manhole cover located in the designated accessible parking space access aisle does not sit flush with the surface of the pavement. The resulting vertical offset is as high as 1/2" (vs. 1/4" maximum allowed; 1/2" maximum if beveled at a 1:2 slope).	BKC will provide documentation demonstrating that it does not have the legal right to fix this element. In the absence of such evidence, the surface of manhole cover will be raised so that it is flush with the surface of the access aisle.
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Men's Toilet Room	Stall door: There are two problems with the location of the stall door that, as it is currently configured, are in conflict with each other. First, the stall door is located 11 1/2" from the corner opposite the water closet (vs. 4" maximum allowed). Second, there is insufficient pull side door maneuvering clear width (existing = 15" vs. 18" minimum required). The first issue calls for the door to be moved closer to the corner; the second calls for it to be moved further away. There is room to move the door further from the corner to achieve the required 18" clearance, but a surface-mounted combo PT/trashcan unit will obstruct the door. The door could be reswung so that it will be hinged on what is now the latch side. This can result in compliance with both requirements.	The door will be reswung so that it will be hinged on what is now the latch side
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Men's Toilet	The water closet water supply line exits the wall above the rear grab bar. As such it obstructs access to the rear grab bar.	Auto-flush controls will be provided.
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Women's Toilet	The toilet stall door is not self-closing.	Self-closing hardware will be installed or, in the alternative, the partition and stall door will be removed.
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Women's Toilet Room	U-shaped hardware is not provided on both sides of the stall door below the latch as required.	Install required U-shaped hardware on both sides of stall door unless the partition and stall door are removed.
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Women's Toilet Room	The floor around the stall door slopes up to 6.2% to drain.	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.
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Women's Toilet Room	Stall door: The lavatory obstructs the required push side latch approach door maneuvering clear depth (existing = 28" deep measured to the edge of the lavatory vs. 42" minimum required per the ADA; 44" minimum required per the CBC). (Note: The lavatory is mounted 26 3/4" from the adjacent wall vs. 18" minimum required.)	Lavatory will be relocated or, in the alternative, the partition and stall door will be removed.
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4514

Store # Location Issue

Remedy

4514

Exterior	Entrance door nearest to accessible parking does not have an ISA symbol on it. There is not directional signage to main door entrance on Webster Street. Recommend installing ISA on entry door nearest to parking.	Provide appropriate signage.
Exterior	Entrance door nearest to accessible parking does not have an ISA symbol on it. Door clearances meet accessibility requirements, except for door closer force to operate, which can be adusted.	Provide appropriate signage.
Exterior	Unauthorized parking signage does not contain verbiage as specified by code and applies to parking in the lot in general and does not specifically address the accessible stalls.	Provide required information in tow-away sign(s).
Unisex Restroom	Door hardware is a compliant type, but operated by a key which requires pinching the fingers and twisting of the wrist.	Provide accessible key holder.
Unisex Res	Toilet paper dispenser dispensing point up to 39" from rear wall.	Relocate toilet paper dispenser to compliant location.
Unisex Restroom	Door hardware is a compliant type, but operated by a key which requires pinching the fingers and twisting of the wrist.	Provide accessible key holder.

4552

Exterior	The tow-away warning sign posted at the driveway entrance from East Dyer Road does not provide a reclaiming address.	Provide required signage and information.
Exterior	No tow-away warning sign is provided at the driveway entrance from Halladay Street.	Provide required signage and information.
Exterior	One designated accessible parking space is provided. A second adjacent space appears to have been abandoned, but the pavement markings, though in poor condition, are visible and misleading.	Black out pavement markings on inaccessible parking space.
Exterior	A single dining table is provided on the exterior patio located on the south side of the store. The table is accessible, however it is positioned such that if a wheelchair user were sitting at it, she would be just outside the swing of the south entry door and within its required pull side door maneuvering clear area.	Turn table clockwise 90 degrees and relocate trash can to provide compliant accessible seating position that does not block the door maneuvering clearance.
Interior	East (main) entrance: Corners of the floor mat have delaminated and pulled up as high as 1" above the floor.	Replace floor mat.
Interior	A total of 26 tables with 65 seating positions are provided in the restaurant. 4 accessible seating positions are required. None of the tables are identified as accessible. The table in photos 27735-27747 is located in the sunroom portion of the dining area. It does not provide the required knee clear space width (existing = 27 1/2" wide measured between table leg bases vs. 30" minimum required. (photos 27748-27754).	Reconfigure to ensure 4 accessible seating positions that comply with either the 1991 or 2010 DOJ Standards.
Men's Toilet Room	A bolt-style latch that was mounted at 56 5/8" AFF (vs. 48" AFF maximum allowed) has been removed, intentionally or otherwise. Because of the keypad door hardware, anyone with the code can enter the room at any time, which is very problematic since the toilet stall has been removed. (What appears to be a locking mechanism - pinching & twisting required - on the door hardware does not lock the door. We tried multiple times and multiple ways to get it to lock.)	Install compliant deadbolt to ensure privacy.
Men's Toil	The lavatory drain and hot water supply lines are not completely covered.	Cover hot water supply and drain lines.
Women's	The soap dispenser is mounted 43 1/2" AFF to the push pad (vs. 40" AFF maximum allowed).	Lower soap dispenser to max 40" AFF.

Store # Location Issue

Remedy

4641

Exterior	South entrance: Both an ISA and an ISA with an arrow (pointing to the other entrance) are displayed outside this door.	Provide appropriate signage.
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Women's Toilet	The wall-mounted electric hand dryer is partially located behind the toilet room door. It prevents the door from opening 90°, as required.	Move hand dryer to the left sufficiently to permit door to open 90 degrees.
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6755

Exterior	A roughly 15' long section of walkway along the southwest side of the store that provides access to and from the west entrance door has cross slopes as high as 3.9% (vs. 2% maximum allowed).	Signage to accessible route will be provided.
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Exterior	Signage on the outside of the west entrance door directs patrons to the southeast entrance for accessibility. The noncompliant issues related to this door are noted on other lines herein. There is no warning or directional signage inside the store to indicate the direction to or location of the accessible exit.	Appropriate signage will be added
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Exterior	A ramp provides access from the public sidewalk along Monterey Road to the store. Its top landing slopes up to 4.1% with cross slopes as high as 3.8% (vs. 2% maximum for both).	Replace top landing with surface that slopes a maximum of 2% in any direction.
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Exterior	A ramp provides access from the public sidewalk along Monterey Road to the store. Handrails are provided, but they do not extend 12" beyond the bottom of the ramp run.	Handrails will be returned to 90 degrees.
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Exterior	Pavement markings at an abandoned designated accessible parking space is poorly blacked-out, which creates a confusing parking situation.	Repaint to ensure old markings are fully covered
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Exterior	The tow-away warning sign at the driveway entrance from Monterey Road does not provide a reclaiming address or an area code for the reclaiming phone number.	Provide required information in tow-away sign(s).
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Interior	The "Take a JobApp" dispenser is mounted 57" AFF above a 42" deep counter. The maximum allowed side reach depth over an obstruction depends on the length of the obstruction, but it may never be > 54" AFF. The maximum allowed side reach depth over an obstruction is 24".	Move job applications to accessible location.
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Men's Toilet	The toilet stall door swings across the required water closet clear floor space. The door is located 46 1/4" from the rear wall; the floor-mounted water closet requires a minimum clear floor space depth of 59".	Reverse the swing of the door.
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Men's Toilet	The water closet is located 20"-20 3/4" from the side wall measured to the center of the fixture (vs. 18" required).	Relocate water closet to compliant location.
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Men's Toilet	The toilet paper dispenser is mounted too low. Its dispensing point is located 16 1/8" AFF (vs. 19" minimum AFF required).	Relocate toilet paper dispenser to compliant location.
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Women's	The lavatory hot supply line is not completely wrapped or otherwise insulated to prevent contact.	Cover drain and supply lines.
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Women's Toilet	The toilet stall door swings across the required water closet clear floor space. The door is located 46 1/2" from the rear wall; the floor-mounted water closet requires a minimum clear floor space depth of 59".	Make the toilet room a single-user. There is no way to swing the door that is close to compliant.
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Women's	A clearance below the side grab bar to the toilet paper dispenser is 1 1/4" (vs. 1 1/2" minimum required).	Raise grab bars one inch.
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Women's Toilet	The toilet paper dispenser is mounted too low. Its dispensing point is located 16 1/8" AFF (vs. 19" minimum AFF required).	Relocate toilet paper dispenser to compliant location.
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Store # Location Issue

Remedy

6816

Exterior	The designated van accessible parking access aisle is 91" wide measured centerline-to-centerline of the striping (vs. 96" minimum required).	Restripe to compliant dimensions.
Men's Toilet Room	The drain line and supply lines under the lavatory are covered, but the drain line is not covered completely. What appears to be an abandoned water filter of some type is mounted to the wall under the lavatory; elements on it are sharp.	Cover hot water supply and drain lines.
Women's	The clearance beneath the rear grab bar to the toilet flush mechanism is 1" (vs. 1 1/2" minimum required).	Raise grab bars one inch.
Women's	The water closet flush mechanism is located on the narrow side of the fixture.	Move flush mechanism to wide side of toilet.

6931

Exterior	Tow-away warning signs (2) do not provide a reclaiming address. (No tow signs are provided at any of the entrances from the shopping center into what might be considered Burger King's parking lot, or at the parking spaces themselves.)	Provide required information in tow-away sign(s).
Men's Toilet	The drain and hot water supply lines are not completely covered.	Cover hot water supply and drain lines.
Women's Toilet Room	The floor in in the center of the room, and in front of the lavatory slopes up to 4.6% to drain	A plate identical, or functionally equivalent, to the plate shown in photos 1-3 attached hereto will be installed over this drain.

6947

Exterior	The slope of the gutter adjacent to the curb ramp is 7.9%.	This issue will be remedied by Burger King Corp.
Exterior	Unauthorized parking signage does not indicate the name of the tow location.	Provide required information in tow-away sign(s).

9913

Exterior	There are 3 driveway entrances into the large complex of which this store is a part. There are a total of 6 tow-away warning signs posted at these entrances and at locations interior to the site. All have issues: (photos 29987-29995) These 2 signs lack the required reclaiming address and phone number. The information that has been applied to the sign has peeled nearly off. (photos 29997-30005) These 3 signs do not provide a reclaiming address or an area code for the reclaiming phone number. (photos 30006-3009) The reclaiming information on this sign has deteriorated, and is barely legible. No reclaiming address is provided.	This issue will be remedied.
Exterior	Northeast entrance: No ISA sign is provided at this door.	Provide appropriate signage.
Exterior	North (central) entrance: A large concrete(?) trashcan is located within and obstructs the required pull side door maneuvering clear area.	This issue will be remedied.
Exterior	A built-up curb ramp is provided within the designated accessible parking spaces and their shared access aisle. As a result, at least this portion of the spaces slopes up to 10.7% (vs. 2% maximum allowed). Spaces of compliant length and slope exist outside the line of the curb ramp, but wheel stops are pulled forward, and there is no effective indication that the curb ramp is not a part of the spaces.	This issue will be remedied.

Store # Location Issue

Remedy

9913

Exterior	3 small 2-person tables are provided on the patio outside the store. No accessible table is provided.	This seating area will be modified to have at least 1 accessible seating position with dimensions that comply with either the 1991 or 2010 DOJ Standards.
Interior	A total of 18 tables with 65 seating positions are provided in the restaurant. 4 accessible seating positions are required. 3 tables/seating positions are identified as accessible. (photos 30283-30294) A turned table leg base reduces the width of the clear knee floor space at the table to 28 3/4" wide (vs. 30" minimum required). The table is 24" deep. If a wheelchair user were to utilize the full depth of the space dedicated to her, it would be difficult at best for a companion to make use of the opposing fixed bench. (photos 30302-30311) This table is compliant. (photos 30317-30327) This table compliant. It is only 25 3/4" deep, but it is movable, so companions will be able to utilize the fixed bench without difficulty.	This seating area will be modified to have at least 4 accessible seating positions with dimensions that comply with either the 1991 or 2010 DOJ Standards.

10567

Exterior	Play structure area matting is raised 2 1/2" - 2 3/4" above the concrete pavement. Ramped edging slopes up to 28.7%.	This issue will be remedied.
Exterior	The designated van accessible parking access aisle is 91 3/4" wide measured centerline-to-centerline of the striping (vs. 96" minimum required). Parking space striping markings and striping are faded and in generally poor condition. (On the day of the survey a construction crew palced an asphalt topping over the surface of the designated accessible parking spaces. The spaces and access aisle were restriped at compliant widths.)	Restripe to compliant dimensions.
Exterior	The tow-away warning sign at the Hemlock Avenue driveway entrance does not provide a reclaiming address. (No other tow-away warning signs are provided at the other entrances into the Burger King parking lot form the adjacent retail center.)	Provide required information in tow-away sign(s).
Men's Toile	Toilet room door deadbolt latch is mounted at 49 -50 1/2" AFF (vs. 48" maximum allowed).	Lower deadbolt latch.
Men's Toilet	Covers are provided for the lavatory drain and supply lines, but a portion of the drain line is not covered as required, and both of the angle stops are sharp and exposed.	Cover hot water supply and drain lines.
Women's Toilet	Covers are provided for the lavatory drain and supply lines, but they are improperly installed. A portion of the drain line is not covered as required.	Cover drain line.

11490

Exterior	Tow-away warning signs are provided at both driveway entrances to the property. The text does match that required, and the required reclaiming information is not provided.	Provide required signage and information.
Exterior	The designated van accessible parking access aisle is 92 1/2" wide measured to the centerline of the striping (vs. 96" minimum required).	Restripe to compliant dimensions.
Exterior	North entrance: The door is marked with two different and conflicting ISA signs. A standard ISA and an ISA with an arrow pointing toward the other entrance are both displayed. Except for the noncompliant door force issue noted above, no other noncompliant conditions were noted at this door.	The ISA with an arrow will be removed.
Men's Toile	A cover is provided for the hot water supply line, but it is not in properly in place.	Cover hot water supply and drain lines.

Store # Location Issue

Remedy

13284

Men's Toile The drain is recessed into the floor greater than 1/4".

Raise drain cover.

Women's Women's stall door is not self-closing.

Install self-closing hardware.

13580

Exterior Tow-away warning signs (2) provided at the Vista Village Drive driveway entrance do not provide a reclaiming address or phone number.

Provide required information in tow-away sign(s).

15079

Interior The beverage machine is located in a corner that is created by a portable storage/condiment counter. The controls located close to the corner are positioned such that a side reach is not possible (per ADAAG Fig. A3(a)). Because toe/knee space is not available under the beverage counter, a compliant forward reach also is not possible. The push-bar beverage controls are located 48 1/2" AFF measured to the bottoms of the bars. The ice dispensing control is located 53 1/2" AFF measured to its bottom. If the legs of the beverage machine could be removed so that these controls were within forward reach range (48" AFF maximum allowed), and the unit could be moved forward so that it hangs 6" or so off the edge of the service counter to create the required toe/knee space needed for forward approach access, it appears as though a compliant condition could be created.

This issue has been, or will be, remedied

Interior Portable barriers create a queue line in front of the main service counter. The clear width between the stanchion based is reduced to 31 1/2" at the head of the line (vs. 36" minimum required; 32" minimum at a point).

Since these are movable, ensure that staff knows to maintain 36" between the bases of the stanchions at all times.

16563

Exterior A tow-away warning sign is provided at driveway entrance (along 10th St, SW) to the shopping center of which this store is a part. The sign does not provide a reclaiming phone number or address. Tow-away signs are not provided at the other possible entrances to the Burger King parking lot or at the designated accessible parking spaces.

Provide missing tow-away sign and provide required information in existing tow-away sign(s).

Exterior A pedestrian route is provided from the southeast corner of the store to the public sidewalk along 10th Street SW. Where the walkway meets the drive-thru lane, there is a 1/2" vertical offset that is not beveled at a minimum 1:2 slope as required

The the change in level will be bevelled to achieve compliance.

Exterior An 18' long ramp is provided just off the southwest corner of the store. It does not provide a compliant bottom landing, and its handrails do not extend 12" beyond the bottom of the ramp run as required. The bottom of the ramp ends at an asphalt driveway, which continues to slope as much as 12.1% (vs. 2% maximum allowed) for over 5' beyond the bottom of the ramp.

The ramp will be reconfigured to ensure compliant bottom landing, and compliant handrail extensions will be provided.

Exterior Southeast entrance: Push side front approach door maneuvering clear depthh = 39" to stored high chairs (vs. 48" minimum width required).

The high chairs will be relocated.

Men's Toile Insulation is provided for the lavatory drain and supply lines, but a portion of the drain line is not covered.

Fully cover drain line.

Women's Toilet Insulation is provided for the lavatory drain and supply lines, but it is not properly installed. A significant portion of the drain line is not covered, and the hot supply line is not covered at all.

Cover drain line and hot water supply.

SETTLEMENT AGREEMENT
EXHIBIT B

<i>Vallabhapurapu v. Burger King Corp . (C-11-00667-WHA (JSC)) - Settlement Agreement</i> Exhibit B		
Element	Applicable Standard	Acceptable Measurement
Van access aisle width.	Min 8' Title 24 § 1129B.4.2. DOJ Stds. § 4.1.2(5)(b).	Min 7'10"
Accessible parking space width.	Min 9' wide Title 24 § 1129B.4.1	Min 8'10"
Access aisle width.	Min 5' Title 24 § 1129B.4.1. DOJ Stds. § 4.1.2(5)(a).	Min. 4'10"
Accessible parking space depth.	Min. 18' long. Title 24 § 1129B.4.1	Min. 17'
Accessible parking space slope.	Max 2% Title 24 § 1129B.4.4. DOJ Stds. § 4.6.3	Max 3%
Access aisle slope.	Max 2% Title 24 § 1129B.4.4. DOJ Stds. § 4.6.3	Max 3%
Accessible route running slopes.	Max 5% Title 24 § 1133B.7.3 DOJ Stds. § 4.3.7	Max 6.6%
Accessible routes cross slopes.	Max 1/4" per foot Title 24 § 1133B.7.1.3 DOJ Stds. § 4.3.7	Max 3%
Slope of gutters and surfaces immediately adjacent to curb ramp or accessible route	Max 5% within 4' of top or bottom. Title 24 § 1127B.5.3 DOJ Stds. § 4.7.2	Max 7%
Curb ramp front to back slope.	Max 8.33% Title 24 § 1127B.5.3. DOJ Stds. §§ 4.7.2. 4.8.2	Max 10%
Curb ramp cross slope.	Max 2% Title 24 1133B.5.3.1. DOJ Stds. § 4.8.6	Max 3%
Curb ramp flared side slopes.	Max 10% Title 24 § 1127B.5.3 DOJ Stds. § 4.3.7	Max 12.5%
Curb ramp width (CBC)	Min. 4' (48") Title 24 § 1127B.5.2	Min. 44"
Curb ramp width (ADAAG)	Min. 36" DOJ Stds. § 4.7.3	Min. 35"

Element	Applicable Standard	Acceptable Measurement
Ramp running slope.	Max 8.33% Title 24 § 1133B.5.3. DOJ Stds. § 4.8.2	Max 9%
Ramp cross slope.	Max 2% Title 24 1133B.5.3.1. DOJ Stds. § 4.8.6	Max 3%
Top ramp landing (CBC)	Min. 60" x 60"; doors may not reduce width of landing to less than 42" Title 24 § 1133B.5.4.2 & 1003.3.4.4	Min. 59" in length and Minimum width of any ramp segment leading to it.
Top ramp landing (ADAAG)	2004 ADAAG § 405.7.3 requires 60 inches in length. See also DOJ Stds. § 4.8.4(1) & (2) (same).	Min. 59" in length
Bottom landing depth.	At least as wide as ramp and min. 72" in direction of ramp run Title 24 § 1133B.5.4.5 & .6	At least as wide as ramp and min. 64" in direction of ramp run
Ramp width.	Min. 48" Title 24 § 1133B.5.2.2 Title 24 § 1127B.5.2	Min. 44"
Landing slopes.	Level Title 24 1133B.5.4.1 DOJ Stds. 4.8.4	Max 3%
Exterior Accessible route width.	48" Title 24 § 1133B..7.1	Min. 44"
Door hardware location.	30" to 44" Title 24 § 1133B.2.5.2	28" to 46"
Door opening force.	Max 5 lbs Title 24 § 1133B.2.5 DOJ Stds. § 4.13.11(2)(b)	Max 7 lbs.
Door closing speed.	Min. 3 secs. Title 24 § 1133B.2.5.1 DOJ Stds. § 4.13.10.	Min. 2.8 seconds
Door width	Min. 32" Title 24 § 1133B.1.1.1.1 DOJ Stds. § 4.13.5	1" less than the required width
Door maneuvering clearance.	Title 24 § 1133B.2.4.2 & .3 and Figs. 11B-26A & 11B-26B. DOJ Stds. § 4.13.6 & Fig 25	One inch less than most stringent applicable dimension in Title 24, Figs. 11B-26A & 11B-26B or DOJ Stds. Fig. 25
Turning space radius.	Min. 60" Title 24 § 1118B.3 DOJ Stds. 4.2.3	Min. 59"
Counter heights (CBC)	28" to 34" Title 24 § 1122B.4	26" to 35"
Counter heights (ADAAG)	Max 36" DOJ Stds. § 7.2(1)	Max 37"

Element	Applicable Standard	Acceptable Measurement
Reach range.	Title 24 Figs. 11B-5C & 11B-5D DOJ Stds. Figs. 5 & 6	+/- 1" from required reaches
Side reach over obstruction	Max. 46" high Max 24" back Title 24 Fig. 11B-5D(c) DOJ Stds Fig. 6(c)	ATM sliding scale DOJ Stds § 4.34.3(b)
Clear floor space	Min. 30" x 48" Title 24 § 1118B.4.1 DOJ Stds. § 4.2.4.1	Min. 29" x 47"
Table top height.	28" to 34" Title 24 § 1122B.4	27"- 35"
Clear floor space at accessible seating spaces	Min. 30" x 48"; not overlapping knee space by more than 19" Title 24 § 1122B.2 & 1118B.4. DOJ Stds. §§ 4.32.2 & 4.2.4	Min. 29" x 47" not overlapping knee space by more than 25"
Knee clearance at accessible seating spaces	Min. 27" high; Min. 30" wide; Min. 19" deep Title 24 § 1122B.3 DOJ Stds. § 4.32.3	Min. 26-1/2" high Min. 29" wide Min. 16" deep
Lavatory rim height.	Max 34" Title 24 § 1115B.2.1.2.1 DOJ Stds. § 4.19.2	Max 35"
Mirror height (bottom edge).	Max 40". Title 24 § 1115B.9.1.2 DOJ Stds. § 4.19.6	Max 42"
Lavatory centerline.	Min. 18" Title 24 § 1115B.2.1.2.1	Min. 16"
Max height dispenser controls (towels, sanitary napkins, diaper changing station, etc)	Max 40" Title 24 § 1115B.9.2	Max 42"
Water closet and urinal flush controls.	Max 44" Title 24 § 1115B.2.1.2 & 1115B.2.1.1.2. DOJ Stds. § 4.16.5 & 4.18.4	Max 45"
Door maneuvering clearance.	Title 24 § 1133B.2.4.2 & .3 and Figs. 11B-26A & 11B-26B. DOJ Stds. § 4.13.6 & Fig 25	One inch less than most stringent applicable dimension in Title 24, Figs 11B-26A & 11B-26B or DOJ Stds. Fig.
Water closet centerline.	Min. 18" Title 24 § 1115B.7.1.3. DOJ Stds. § 4.17.3 & Fig. 30	16" to 19"
Grab bars.	33" unless tank impedes, in which case max 36" Title 24 § 1115B.8.1 33" to 36" DOJ Stds. §§ 4.16.4, 4.17.6, Figs. 29, 30	+/- 1" horizontally and 32-1/2" to 36-1/2" vertically

Element	Applicable Standard	Acceptable Measurement
Toilet paper dispenser distance from rear wall.	Max 36" DOJ Stds. Fig. 30(d)	Max 37"
Minimum distance from water closet to front of stall (end door)	Min. 48" Title 24 § 1115B.7.1.3	Min. 47"
Minimum distance from water closet to front of stall (side door)	Min. 60" Title 24 § 1115B.7.1.3	Min. 59"
Toilet Paper dispenser height	ANSI A117.1; 2004 ADAAG	Min. 15½"
Maximum distance from rear wall to dispensing point of toilet paper dispenser.	Max 36" DOJ Stds. Fig. 30(d)	Max 37"
Height of water closet seat	17" to 19" Title 24 § 1115B.2.1.1. DOJ Stds. § 4.17.3 & Fig 30.	17" to 19-1/2"
Minimum knee clearance under lavatory	Min. 30" wide and 17" deep Title 24 § 1115B.2.1.2.1	Min. 29" wide Min. 16" deep
Minimum vertical clearance under the bottom edge of lavatory	Min. 29" Title 24 § 1115B.2.1.2.1 DOJ Stds. § 4.19.2 & Fig. 31	26-1/2"
Minimum vertical clearance under that lavatory at a point eight inches back from the front edge	Min. 27" Title 24 § 1115B.2.1.2.1. DOJ Stds. § 4.19.2 & Fig. 31	Min. 26-1/2"
Minimum width of toilet stall.	Min. 60" Title 24 § 1115B.7.1.3 DOJ Stds. § 4.17.3 & Fig 30	Min. 58"
Minimum distance from water closet to far wall or fixture under the Title 24.	Min. 32" to wall Min. 28" to fixture Title 24 § 1115B.7.1.3	Min. 31"
Height of urinal rim	Max 17" Title 24 § 1115B.2.1.1.1. DOJ Stds. § 4.18.2	Max 18"
Minimum vertical clearance at drain pipe	Min. 9" DOJ Stds. § 4.19.2; Fig. 31	Min. 8½"

SETTLEMENT AGREEMENT

EXHIBIT C

Burger King CA Tri-Annual Accessibility Checklist

Version 2.1 (March 5, 2010)

Table of Contents
Cover Sheet and Instructions
Pages 1-4 Burger King CA Tri-Annual Checklist
Appendix
A-1 Glossary of Terms
A-2 Door Diagrams
A-3 Parking Form

Phase 1. Preparation

- 1 Review these instructions, the Checklist and the Appendix material to remind yourself of the process, concepts and format of the **Burger King CA Tri-Annual Accessibility Checklist**. Remember that "Yes" answers imply compliance and "No" answers mean there is or may be a problem.
- 2 Gather the following tools:
 - ☐ The **Burger King CA Tri-Annual Accessibility Checklist**
 - ☐ Digital camera with sufficient storage for at least 50 (1 megapixel minimum quality) photos per store
 - ☐ Tape measure (12' - 25' recommended)
 - ☐ 24 inch long digital Level (e.g. **SMARTTOOL™**)
 - ☐ Pressure gauge
 - ☐ Clip board, note book or file systems for extra pages of the **Burger King CA Tri-Annual Accessibility Checklist**
 - ☐ Pencil with eraser and black pen (erasable type recommended)

Phase 2. Walk Through - During the walk through the surveyor will:

- 1 Write the store number on the back of a page of paper and take a picture of it to start your series for that store. Take overall photos of the facility and all elements. Include a shot from across each street looking at the store. Take photos of parking areas, each side of the building exterior, paths of travel, entrances and of the building interior.
- 2 Answer questions by checking-off appropriate boxes and recording measurements for every "No" answer in pencil. ("No" indicates that there is or might be a problem.) N/A should be used when there is no such element.
- 3 Take measurements with a tape measure and record them to the closest 1/4 inch.
- 4 Take photos of all surveyed items, including all items marked in the "No" column and of any unusual or uncertain conditions. For any condition marked "No" ensure that at least one photo shows the measuring device that demonstrates the problem that led you to check "No." For example, if there is an obstruction in the door maneuvering clearance, at least one photograph should show the tape measure that demonstrates the dimension of the clearance. One photo may show more than one issue or area. **It is better to take too many rather than too few photographs.**
- 5 If you need to record more information or make a comment make a check mark in the Measurement or Comment box and write a Comment in the blank area on the page, use a reference number to indicate the question that the comment goes with.
- 6 (Optional) Make sketches of the plan view of the Men's and Women's restrooms showing overall dimensions, centerlines of fixtures and locations of walls and doors.

Phase 3. Report - As soon as possible after completing the walk through, finalize the report as follows:

- 1 Review the **Checklist** completing it in black ink pen to assure that:
 - ☐ The store name, surveyor's name and date is written at the top of each page and page numbers of any Appendix pages.
 - ☐ Each question is answered and all measurements are provided.
 - ☐ Photograph numbers are included with each "No" question.
 - ☐ Photos are reoriented, if necessary, and sequentially numbered by Store # (XXXX) and Photo # (NNN). (e.g.. XXXXX-NNN.jpg)
 - ☐ All information, including comments, is legible and coherent.
 - ☐ Each comment is numbered with the question to which it refers.
- 2 Make a copy for your records for reference in answering future questions.
- 3 Submit the original to: _____.

BK CA TRi-Annual Accessibility Checklist

Store # _____

Surveyor _____

Date _____

Photos for this sheet _____

	Yes	No	N/A	Measurement or Comment
1				Accessible Parking
1.01				Is a <i>Van Accessible</i> parking space with an 8 feet wide minimum <i>access aisle</i> and a "Van Accessible" sign provided?
1.02				Is a second accessible parking space provided for lots with 26 to 50 total parking spaces?
1.03				Are the required number of accessible parking spaces provided for lots with more than 50 total parking spaces? [See the Parking Numbers Table on the A-3 Parking Form.]
1.04				Is every accessible parking space 9 feet wide minimum?
1.05				Besides the <i>access aisle</i> in item 1.01, is every other <i>access aisle</i> 5 feet wide minimum?
1.06				Are all parking spaces and <i>access aisles</i> sloped 2% maximum in any direction? [Complete an A-3 Parking Form only if the slopes are more than 2%.]
1.07				Is a vertical sign with the <i>International Symbol of Accessibility</i> posted at each space 80 inches high minimum if mounted on a pole, or 60 inches high minimum if mounted on a wall as measured from the driving surface to the bottom of the sign?
1.08				Is there a 48 inches wide minimum unobstructed <i>accessible route</i> <u>from each accessible parking space to an accessible entrance</u> that is unobstructed by curbs, vehicle overhangs, <i>protruding objects</i> or any other barriers?
1.09				Is CA Tow-Away enforcement signage completed with required fill-in information and provided at each entrance to the parking lot or adjacent to and visible from each accessible parking compartment or space?
2				Exterior Accessible Routes
2.01				Is there a 48 inches wide minimum unobstructed <i>accessible route</i> <u>from the public sidewalk or right of way to an accessible entrance</u> that is unobstructed by curbs, vehicle overhangs, trash containers, <i>protruding objects</i> or any other barriers?
2.02				Are <i>detectable warnings</i> (truncated domes) provided at all edges between pedestrian and vehicular ways that have flush transitions not otherwise separated by a curb (including any non-required <i>curb ramps</i>)?
2.03				Are all pedestrian paths free of <i>objects protruding</i> more than 4 inches horizontally, between 27 and 80 inches high?
2.04				Is there 80 inches high minimum head clearance along all pedestrian paths?

Write any Comments with reference #'s below


BK CA Tri-Annual Accessibility Checklist

Store # _____

Surveyor _____

Date _____

Photos for this sheet _____

	Yes	No	N/A	Measurement or Comment
3				Entry Doors
3.01				Is there directional signage to an accessible entry door at each non-accessible entry door?
				Does Each Accessible Entry Door have:
3.02				A sign with the <i>International Symbol of Accessibility</i> (ISA)? 
3.03				Opening hardware that can be operated with 5 lbs of force maximum?
3.04				A <i>threshold</i> with an overall height of 1/2 inch maximum?
3.05				A 1:2 maximum beveled edge if the <i>threshold</i> is higher than 1/4 inch?
3.06				<i>Maneuvering spaces</i> on both sides of the door unobstructed by trash containers and in compliance with the Door Diagrams ?
4				Queuing Aisle
4.01				Is 36 inches minimum clear width and <i>maneuvering space for turns</i> provided for all portions of the queuing aisle. (see diagrams in Glossary of Terms)
5				Service Counter
5.01				Is at least one of each self service point of purchase item, including displays and leaflets located 46 inches maximum AFF and 24 inches max back from the front of the counter? [If "No" record the height and distance from clear floor space.]
6				Self Service Drinks Counter
6.01				Is at least one of each type of drink dispenser located 46 inches maximum AFF and 24 inches max back from the front of the counter? [If "No" record the height and distance from clear floor space.]
6.02				Is the control of every dispenser easy to operate with a <i>closed fist</i> ?
7				Customer Convenience (Ketchup & Condiments) Counter
7.01				Is at least one of each type of container, utensil or condiment located 46 inches maximum AFF and 24 inches max back from the front of the counter? [If "No" record the height and distance from clear floor space.]
7.02				Is the control of every dispenser easy to operate with a <i>closed fist</i> ?
8				Interior Accessible Routes
8.01				Is there an unobstructed <i>accessible route</i> from an accessible entrance to at least one of each type of customer use element?
8.02				Are all pedestrian paths free of <i>objects protruding</i> more than 4 inches horizontally, between 27 and 80 inches high?
8.03				Is there 80 inches high minimum head clearance along all pedestrian paths?
9				Accessible Seating and Tables Total # of Seats in the Restaurant = _____
9.01				Is 5% (rounded up) of the seating positions accessible?
9.02				Are accessible seating positions provided in each distinct seating area?
9.03				Is there an <i>accessible route</i> to every accessible seating position?
9.04				Does each accessible table comply with the <i>Knee and Toe Clearance Diagram</i> ? (Note: the width of the table surface is not regulated, just the clear floor space under the table.)

Write any Comments with reference #'s below

BK CA Tri-Annual Accessibility Checklist

Store # _____

Surveyor _____

Date _____

10	Women			Men			Measurement or Comment	Restrooms	Photos for Women's _____	Photos for Men's _____
	Yes	No	N/A	Yes	No	N/A				
10.01								Is high contrast <i>tactile signage</i> with braille provided on the wall beside the latch jamb of the door with the baseline of the text between 48 inches and 60 inches AFF?		
10.02								Is there a 12 inches (on a side) raised triangle (men's), circle (women's) or triangle/circle (unisex) centered at a height of 60" on the face of the door?		
10.03								Is all door hardware operable with a <i>closed fist</i> ?		
10.04								Is the force required to open all restroom doors to 90 degrees, 5 pounds maximum?		
10.05								Is the closing speed of all restroom doors 3 seconds minimum as measured from an open position of 70 degrees to a point 3 inches from the latch?		
10.06								Are the <i>maneuvering spaces</i> on both sides of all restroom entry doors free of fixtures, trash containers or other barriers and in compliance with the A-2 Door Diagrams? [Photograph the <i>maneuvering spaces</i> on both sides of all doors.]		
10.07								Are the lavatory pipes insulated or otherwise protected from contact?		
10.08								Is the faucet hardware at the accessible lavatory automatic or operable with a <i>closed fist</i> ? If automatic, does it remain open at least 10 seconds? If operable with a <i>closed fist</i> , does it require 5 pounds maximum of force to operate?		
10.09								Does the front edge of the accessible lavatory provide 27 inches AFF minimum <i>knee and toe clearance</i> ?		
10.10								Is the bottom reflecting edge of the mirror located 40 inches maximum AFF?		
10.11								Does the toilet stall door provide a clear opening width of 32 inches minimum?		
10.12								Are the <i>maneuvering spaces</i> on both sides of accessible toilet compartment doors unobstructed by trash containers, fixtures or other barriers, and in compliance with the A-2 Door Diagrams?		
10.13								Is door hardware that is operable with a <i>closed fist</i> available on both sides of the accessible stall door?		
10.14								Is the accessible toilet compartment door self-closing?		
10.15								Is the centerline of the toilet 18 inches from the rear wall?		
10.16								Is top of the toilet seat between 17 inches and 19 inches AFF?		
10.17								Is a horizontal sidewall grab bar provided that is 1-1/4 to 1-1/2 inches in diameter, 42 inches long minimum, extending 54 inches minimum from the rear wall, centered 33 inches above the floor and with no obstructions within 12 inches above or 1-1/2 inches below the bar?		
10.18								Is a horizontal rear wall grab bar provided that is 1-1/4 to 1-1/25 inches in diameter, 36 inches long minimum, extending 12 inches minimum from the toilet centerline towards the rear side wall, centered 33 inches (36 inches maximum at tank type toilets) above the floor and with no obstructions within 12 inches above or 1-1/2 inches below the bar?		
10.19								Is the front most edge of the toilet paper dispenser opening (or roll if no dispenser opening is present) located 36 inches maximum from the rear wall and also 12 inches maximum from the front edge of the toilet seat?		
10.20								Is the toilet paper dispenser opening located at least 15 inches above the floor.		
10.21								Is the toilet flush control located on the open side of the toilet at 44 inches maximum AFF and operable with 5 pounds maximum of force to operate?		
10.22								Is at least one of each dispenser in the accessible stall on an accessible route with a 30 inches by 48 inches minimum clear floor space, 40" AFF maximum and operable with a closed fist?		
10.23								Is there a coat hook in the accessible stall that is on an accessible route with a 30 inches by 48 inches minimum clear floor space and within the accessible reach range?		
10.24								Is the floor of the accessible stall clear of free standing waste baskets, furniture or decorations?		
10.25								Is at least one of each dispenser in the restroom on an accessible route with a 30 inches by 48 inches minimum <i>clear floor space</i> , 40" AFF maximum and operable with a <i>closed fist</i> ?		
10.26								Is the urinal's flush control automatic or 44 inches maximum AFF and operable with 5 pounds maximum force to operate?		

Write any Comments with reference #'s below

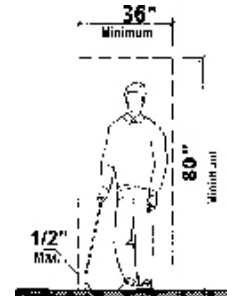
Appendix

A-1 Glossary

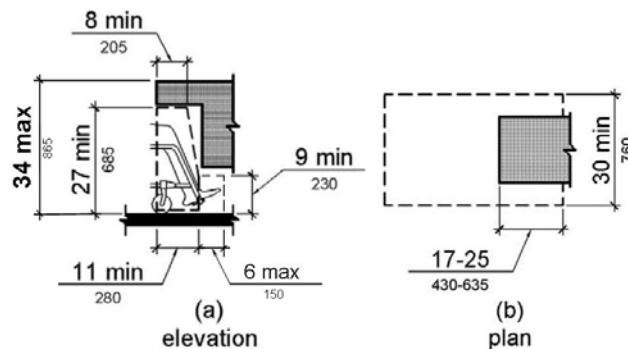
BK CA Tri-Annual
Accessibility Checklist

Glossary of Terms (Defined terms are italicized in the form.)

Term	Definition
AFF	(A)bove (F)inished (F)loor.
Access Aisle	The clear ground area next to an accessible parking space that provides room for a driver or passenger with a disability to enter and exit from the side of their vehicle. Van accessible access aisles are at least 8' wide. All other access aisles are at least 5' wide. One access aisle can be shared between two accessible parking spaces if cars can pull in forward and back into the parking spaces allowing the driver to position either the rider or driver next to the access aisle.
Accessible Route	<p>An accessible route is required to connect all accessible spaces or features on the site. Continuity of the accessible route is critical though the route is not required to be the shortest route. It must start at the property line, public sidewalk or the public right-of-way and lead to an accessible entry door. Accessible routes also connect the entry with the accessible parking and every feature used by customers that is intended to be accessible. Accessible routes from parking and public rights of way may overlap each other. An accessible route must meet three criteria.</p> <ol style="list-style-type: none"> 1) It must be a minimum of 36" wide which accommodates a person who uses a wheelchair. The path can be narrowed at points to a minimum of 32" for a maximum distance of 24" such as when it goes through a doorway or past a column. 2) It must have no abrupt vertical changes in level greater than 1/4" high, nor horizontal gaps greater than 1/2" wide. If there are vertical breaks in the path, they must have a curb ramp or a ramp. 3) It must have a running slope not greater than 1:20 (5%) and a cross slope not greater than 1:50 (2%). <p>Note: An obstruction to an accessible route may or may not also be a <i>protruding object</i>.</p>
Clear Floor Space	30" wide X 48" long, level and unobstructed floor or ground surface that allows wheelchairs to approach and use equipment and features.
Closed Fist Rule	People with arthritis, hand injuries or amputations, or high spinal cord injuries may have great difficulty making a tight grip, pinching, twisting their wrist or making fine finger movements. If a device can be operated by a hand formed into a loosely clenched fist (or loose fingered flail hand) and with little force (5 lbs. or less), then most people with limited hand dexterity should be able to operate it. Use the closed fist rule when surveying items such as door hardware and faucets.
Closer	A mechanical device that automatically closes a door, closers must require no more than 5 pounds to operate and must take at least 3 seconds to close the door.
Cross Slope	The slope that is perpendicular to the direction of travel along a circulation route.
Curb ramp v. ramp	A short ramp without handrails, built into or up to a sidewalk or raised apron and that provides a sloped transition usually between a driving surface and a walkway surface. A curb ramp is required wherever an <i>accessible route</i> crosses a curb or other level change. A ramp is a walking surface which has a <i>running slope</i> greater than 1:20 (5%).
Detectable Elements	An object that is at or below a height of 27" that can be detected by a person using a long white cane. See Protruding Objects below.
Detectable warnings	Truncated domes that visually contrast with the color of the pavement on which they are positioned. Detectable warnings take the place of curbs to warn people with visual impairments of the edge between pedestrian and vehicular paths. Visually impaired people pay attention to detectable warnings to tell them if they are in pedestrian areas or dangerous vehicular areas. Parking spaces, <i>access aisles</i> and cross walks are considered vehicular areas. Truncated domes were reserved for several years in the 1990's by the US Department of Justice while they conducted research about the effectiveness of the material. They were reinstated in the early 2000's and are required on all <i>curb ramps</i> and at flush edges between pedestrian and vehicular areas. Note: Some States and municipalities have differing criteria.
Highest Operating Element/Highest Operable Part	The lowest operable part of the highest element or control a person must reach in order to complete the functions of the task. (i.e. on/off handle, push to start button, dispenser controls, coin slot on pay telephones, pump on air pots, hot water or ice dispensers etc.) When measuring the height of large buttons, measure to the lowest point where the button will activate the device.
Horizontal Gaps	All <i>accessible routes</i> must be free of horizontal gaps wider than 1/2" (i.e. cracks in walks, grates, grills etc.).
International Symbol of Accessibility (ISA)	The international 'wheelchair' symbol designating accessibility.
Knee and Toe Clearance	The shape of the area under tables, lavatories and counters that allows wheelchair users to closely approach and use the element.



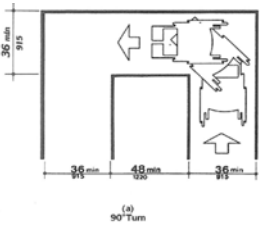
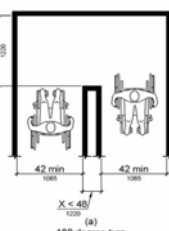
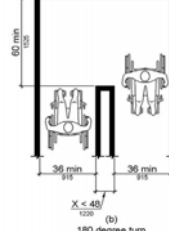
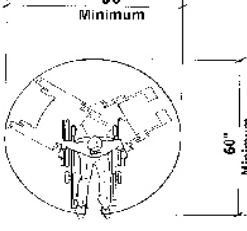
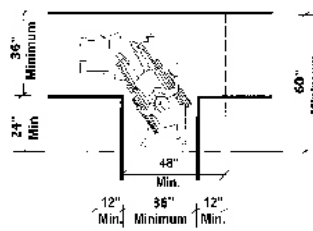
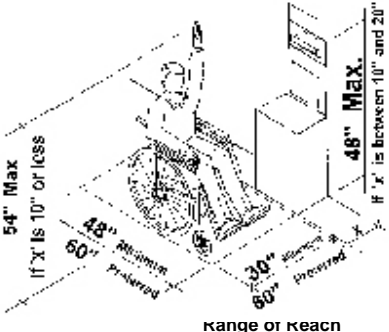
Accessible Route



Appendix

A-1 Glossary

BK CA Tri-Annual
Accessibility Checklist

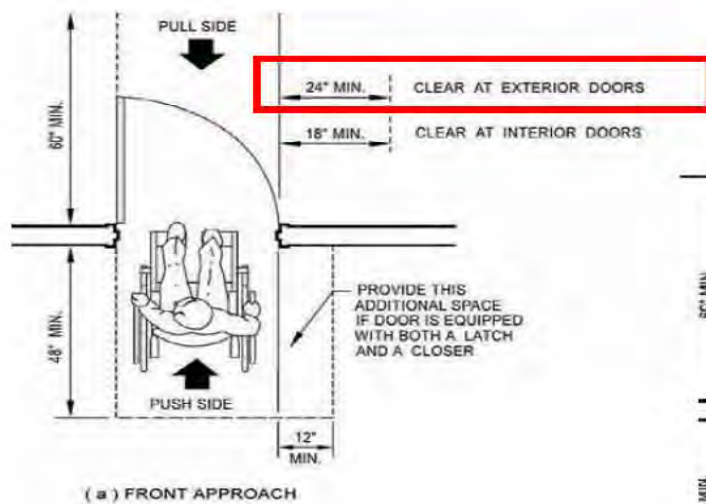
Term	Definition																		
Maneuvering Space & Turns	90 degree turns can be made from a 36" wide aisle into another 36" wide aisle.																		
	180 degree turns can be made from a 42" wide aisle to a 42" wide aisle through a 48" deep turning space. 180 degree turns can also be made from a 36" wide aisle to another 36" wide aisle through a 60" deep turning space. A 5' diameter space will allow any type of turn of up to 360 degrees. A 360 degree "T" turn can be made at the intersection of two 36" wide aisles.																		
	<div><div><p>(a) 90° Turn</p></div><div><p>(b) 180 degree turn</p></div><div><p>(c) 180 degree turn (Exception)</p></div><div><p>5' Diameter Turning space</p></div><div><p>T-turn</p></div></div>																		
Protruding Objects	All circulation paths, including <i>accessible routes</i> , must have no protruding or overhanging objects (such as signs, promotion displays or hanging planters) that might be a hazard to a person who is visually impaired. Any object that protrudes into the path more than 4" must either be above 80" (head height) or have a portion that is at or below 27" where it can be detected by a person using a long white cane. Queuing lines without intermediate railings (at or below 27") are potential protruding objects. Note: Protruding Objects do not necessarily obstruct an <i>accessible route</i> .																		
Public Right of Way	The streets and sidewalks owned by the local municipality that border the site.																		
Reach Range	Many people who are of short stature or who use wheelchairs can only reach up to about 48" AFF. Some others who use a wheelchair can reach up to 54" AFF from the side if there is a 30" deep by 48" wide <i>clear floor space</i> alongside and no more than 10" horizontally from the object. Remember, the side reach works only as long as there is nothing higher than 34" between the wheelchair and the object. Obstructed Side Reach Interpolation Table <table><tr><th>Depth - Height</th><th>Depth - Height</th><th>Depth - Height</th></tr><tr><td>10" 54"</td><td>15" 51"</td><td>20" 48-1/2"</td></tr><tr><td>11" 53-1/2"</td><td>16" 50-1/2"</td><td>21" 47-1/2"</td></tr><tr><td>12" 53"</td><td>17" 50"</td><td>22" 47"</td></tr><tr><td>13" 52 1/2"</td><td>18" 49 1/2"</td><td>23" 46-1/2"</td></tr><tr><td>14" 51 - 1/2"</td><td>19" 49"</td><td>24" 46"</td></tr></table>	Depth - Height	Depth - Height	Depth - Height	10" 54"	15" 51"	20" 48-1/2"	11" 53-1/2"	16" 50-1/2"	21" 47-1/2"	12" 53"	17" 50"	22" 47"	13" 52 1/2"	18" 49 1/2"	23" 46-1/2"	14" 51 - 1/2"	19" 49"	24" 46"
Depth - Height	Depth - Height	Depth - Height																	
10" 54"	15" 51"	20" 48-1/2"																	
11" 53-1/2"	16" 50-1/2"	21" 47-1/2"																	
12" 53"	17" 50"	22" 47"																	
13" 52 1/2"	18" 49 1/2"	23" 46-1/2"																	
14" 51 - 1/2"	19" 49"	24" 46"																	
	 <p>range of reach</p>																		
Running Slope	The slope that is parallel to the direction of travel.																		
Site	The land on which the restaurant is located.																		
T-turn	See <i>Maneuvering Space and Turns</i> above																		
Tactile Signage	Signs which have letters or characters that are raised above the surface so that they can be read by touch by people with limited vision. Tactile signs are also required to have raised Braille dots. Tactile signs should be located on the wall beside the latch jamb of a doorway and positioned so that the baseline of the highest characters is no more than 60" AFF and the baseline of the lowest characters on the sign is no less than 48" AFF. Note: It doesn't hurt to have a compliant sign on the wall and another sign on the face of the restroom door.																		
Threshold	The horizontal strip on the floor at the bottom of a door frame that helps weatherproof the doorway. Thresholds can have an abrupt portion that is no higher than 1/4" and an overall height of no more than 1/2" with anything over 1/4" beveled at 1:2. An easy way to measure a curb ramp is to place a slope meter (or other straight edge) on top of the threshold so that it extends over the floor on either side and measure the distance between the bottom of the slope meter and the floor.																		
Unisex Restroom	A toilet room intended for private use by either sex, one person at a time.																		
Van Accessible	An accessible parking space that has an 8' wide <i>access aisle</i> to accommodate a van with a side lift.																		

Appendix

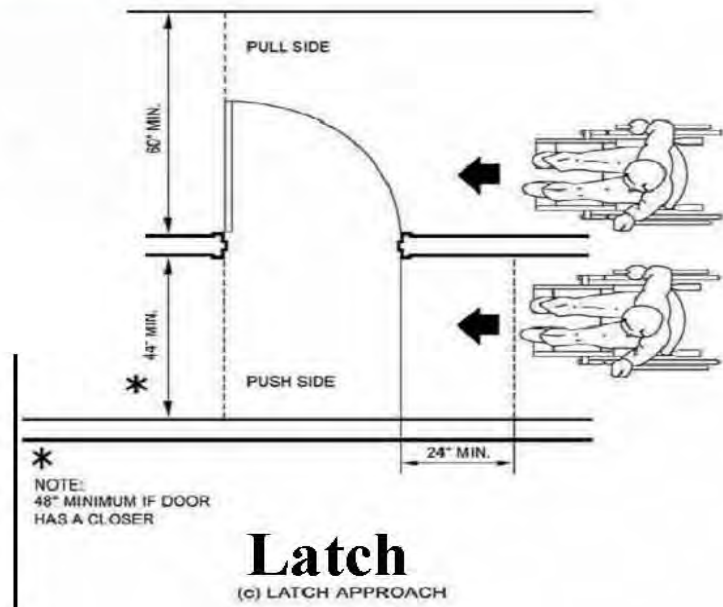
BK CA Tri-Annual
Accessibility Checklist

A-2 Door Diagrams

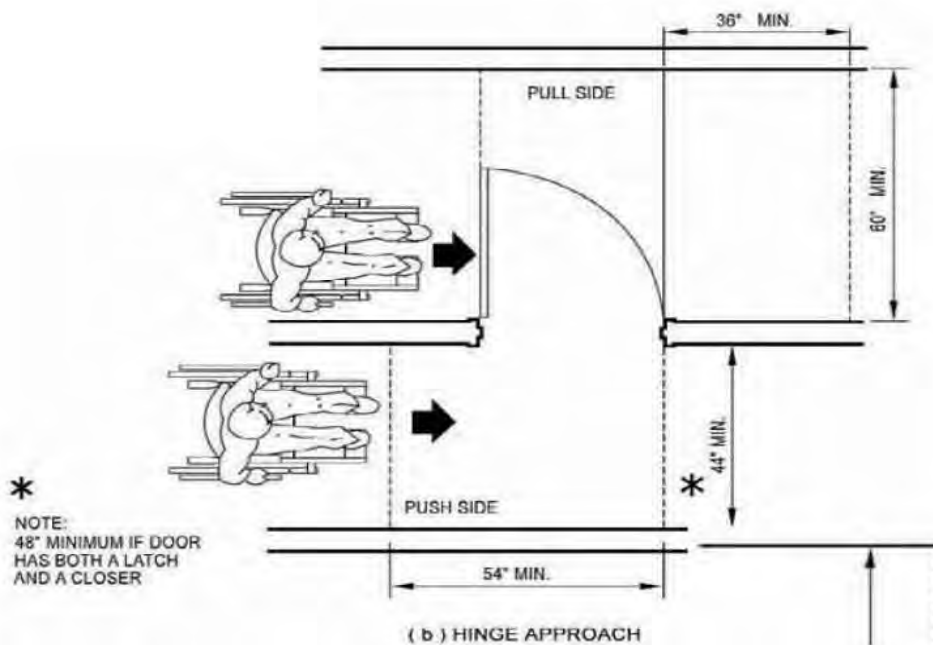
CA Fig 11B-26



(a) FRONT APPROACH

Front**Latch**

(c) LATCH APPROACH



(b) HINGE APPROACH

Hinge

Appendix

BK CA Tri-Annual Accessibility Checklist

Store # _____

Surveyor _____

Date _____

A-3 Parking Form

Photos for this sheet _____

Parking Numbers Table 2004 ADAAG Table 208.2 & 1991 ADAAG 4.1.2(5)	
Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

For each Accessible Parking Space and Access Aisle

- 1) Identify the location and indicate if it is a parking space or an access aisle.
- 2) Use a 24" long digital level to take a measurement in each direction at each of the locations shown in the diagrams.
- 3) Circle any measurement over 5%.

location:

location:

Accessible Parking/Aisle Slope Measurements

Diagram showing two parking spaces and aisles. Each space and aisle has arrows indicating measurement directions (up, down, left, right). Below the diagram are two sets of measurement boxes for each location.

↑ %	↔ %	↑ %	↔ %

Accessible Parking/Aisle Slope Measurements

Diagram showing two parking spaces and aisles. Each space and aisle has arrows indicating measurement directions (up, down, left, right). Below the diagram are two sets of measurement boxes for each location.

↑ %	↔ %	↑ %	↔ %

SETTLEMENT AGREEMENT

EXHIBIT D

Burger King 2004 ADAAG Checklist for California**Version 2.1 March 5, 2010**

Store # _____ Date of Survey _____
 Store Address, City & Zip _____
 Surveyor Name _____

Section	Table of Contents
	Cover Sheet - Instructions - Table of Contents
1	Picture Menus
2	Accessible Parking
3	Exterior Accessible Routes
4	Accessible Curb Ramps
5	Accessible Ramps
6	Telephones
7	Entry/Exit Doors
8	Queuing Aisle
9	Service Counter
10	Self Service Condiments and Drinks Counter
11	Interior Accessible Seating and Tables
11.50	Exterior Accessible Seating and Tables
12	Interior Accessible Routes and Elements
12.10	Protruding Objects
13	Interior Stairs
14	Play Areas
15	Games/Kiosks/Vending
16	Men's or Unisex Restroom
16.10	Entry Door
16.24	Lavatory
16.33	Dispensers/Accessories
16.43	Urinal
16.49	Toilet
16.73	Ambulatory Compartment
17	Women's or 2nd Unisex Restroom
17.10	Entry Door
17.24	Lavatory
17.33	Dispensers/Accessories
17.43	Toilet
17.,67	Ambulatory Compartment

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**Universal Designers & Consultants, Inc.**

6 Grant Avenue • Takoma Park • MD 20912-4234

301.270.2470 v/tty

301.270.8199 fax

www.UniversalDesign.com

Store # _____

2004 ADAAG Checklist Version 2.1 -- 3/5/09

Ex. D

Privileged & Confidential**Attorney Work Product****Universal Designers & Consultants, Inc.****www.UniversalDesign.com**

Page 1 of 24

Instructions for Completing the Burger King 2004 ADAAG Checklist for California

Phase 1. Preparation

- 1 Review these instructions, the Checklist and the Appendix material to remind yourself of the process, concepts and format of the **Checklist**. Remember that Yes answers imply compliance and No answers mean there is or may be a problem.
- 2 Gather the following tools:
 - ☐ The **Burger King 2004 ADAAG Checklist for California**
 - ☐ Digital camera with sufficient storage for at least 50 (1 megapixel minimum quality) photos per store
 - ☐ Tape measure (12' - 25' recommended)
 - ☐ 24 inch long digital Level (e.g. **SMARTTOOL™**)
 - ☐ Pressure gauge
 - ☐ Clip board, note book or file systems for extra pages of the **Checklist**
 - ☐ Pencil with eraser and black pen (erasable type recommended)

Phase 2. Walk Walk Through - During the walk through the surveyor will:

- 1 Write the store number on the back of a page of paper and take a picture of it to start your series for that store. Take overall photos of the facility and all elements. Include a shot from across each street looking at the store. Take photos of parking areas, each side of the building exterior, paths of travel, entrances
- 2 Answer questions by checking-off appropriate boxes and recording measurements for every "No" answer" **in pencil**. (No indicates that there is or might be a problem.) N/A should be used when there
- 3 Take measurements with a tape measure and record them to the closest 1/4 inch.
- 4 Take photos of all surveyed items, including all items marked in the "No" column and of any unusual or uncertain conditions. For any condition marked "no" ensure that at least one photo shows the measuring device that demonstrates the problem that led you to check "no." For example, if there is an obstruction in the door maneuvering clearance, at least one photograph should show the tape measure that demonstrates the dimension of the clearance. One photo may show more than one issue or area. **It is**
- 5 If you need to record more information or make a comment make a check mark in the Measurement or Comment box and write a Comment in the blank area on the page, use a reference number to indicate
- 6 (Optional) Make sketches of the plan view of the Men's and Women's restrooms showing overall dimensions, centerlines of fixtures and locations of walls and doors.

Phase 3. Report - As soon as possible after completing the walk through, finalize the report as follows:

- 1 Review the **Checklist** completing it in black ink pen to assure that:
 - ☐ The store name, surveyor's name and date is written at the top of each page and page numbers of any Appendix pages.
 - ☐ Each question is answered and all measurements are provided.
 - ☐ Photograph numbers are included with each "No" question.
 - ☐ Photos are reoriented, if necessary, and sequentially numbered by Store # (XXXX) and Photo # (NNN). (e.g.. XXXXX-NNN.jpg)
 - ☐ All information, including comments, is legible and coherent.
 - ☐ Each comment is numbered with the question to which it refers.
- 2 Make a copy for your records for reference in answering future questions.
- 3 Submit the original to: _____.

Burger King 2004 ADAAG Checklist for California
Version 2.1 (March 5, 2010)

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
1.00							Picture Menus
1.01							Is signage provided at the drive up menu/order intercom indicating pictures menus are available upon request at the pick-up window?
1.02							Are picture menus available at the window and order counter?
2.00							Accessible Parking
2.01							Are all accessible parking spaces on the shortest accessible route (that is 48 inches wide minimum and unobstructed by curbs, vehicle overhangs, protruding objects or any other barriers) to an accessible entrance?
2.02							Is a Van Accessible parking space with an 8' wide minimum access aisle provided?
2.03							Do all Van spaces, their access aisles, and vehicular routes serving them have 98 inches of vertical clearance?
2.04							Is the van accessible parking space access aisle located on the side opposite the driver's side when the vehicle is going forward into the parking space?
2.05							Is a second accessible parking space provided for lots with 26 to 50 total parking spaces?
2.06							Are the required number of accessible parking spaces provided for lots with more than 50 total parking spaces?
2.07							Is every accessible parking space at least 9' wide?
2.08							Is every non-van accessible access aisle at least 5' wide?
2.09							Is the length of each parking space 18 feet minimum?
2.10							Does the length of each access aisle extend the length of the accessible parking space it serves?
2.11							Do all the accessible parking spaces have slopes of 2% or less in any direction?
2.12							Do all the access aisles have slopes of 2% or less in any direction?
2.13							Are all access aisles free of encroaching ramps or curb ramps?
2.14							Are all accessible parking spaces free of encroaching ramps or curb ramps?
2.15							Is a 36 inches x 36 inches ISA symbol painted on the ground of the accessible parking space?
2.16							Do all accessible parking spaces have vertical signage?
2.17							Do all accessible parking spaces have a vertical sign with the words "Minimum Fine \$250"?
2.18							Does each accessible van parking space have a vertical sign with the words "Van Accessible" on it?
2.19							Is every accessible and van accessible parking sign 60 inches minimum (80 inches if pole mounted) to the bottom of the sign at each space?
2.20							Is each sign 70 square inches or greater?
2.21							Is the access aisle border painted blue?
2.22							Are access aisles marked with hatched lines 36 inches maximum on center apart and in a contrasting color to the parking surface?
2.23							Are the words "No Parking" painted on each access aisle?
2.24							Are all the "No Parking" notices painted with white letters no less than 12 inches high?
2.25							Is a curb or tire stop provided at each parking space to avoid narrowing a required accessible route?
2.26							Are accessible vehicle occupants able to move to an accessible entrance without going behind parked cars other than their own?
2.27							Is CA enforcement signage provided at each entrance to the parking lot or adjacent to and visible from each accessible parking compartment or space?
2.28							Is the CA enforcement sign 17 inches x 22 inches or greater?
2.29							Is the size of the lettering on the CA enforcement sign 1 inch high minimum?
2.30							Does the CA enforcement sign have the appropriate information filled into the blanks?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
3.00							Exterior Accessible Routes
3.01							At stairs or other non-accessible paths, where the accessible route diverges from the regular circulation path is there directional signage, displaying the ISA, indicating the direction to the accessible entrances?
3.02							Is the upper approach and each tread of each stair marked by a 2" wide equally slip resistant strip of clearly contrasting color parallel to and no more than 1" from the nose of the step or landing?
3.03							Are all crosswalks designated with painted stripes or differentiated surface materials?
3.04							Are all required accessible routes free of abrupt changes in level greater than 1/4 inch in height?
3.05							Are all required accessible routes free of gaps greater than 1/2 inch wide?
							Are all required accessible routes at least 48" wide?
3.06							Do all accessible routes have running slopes 5% or less? If no, complete ramp or curb ramp sections as appropriate.
3.07							Do all accessible routes have cross slopes 2% or less?
3.08							Are all pedestrian paths free of objects protruding more than 4 inches (12 inches if post mounted such as signage) horizontally, between 27 and 80 inches high?
3.09							Is there 80 inches high minimum head clearance along all pedestrian paths?
3.10							Do all post/pylon mounted signs located less than 80 inches AFF have rounded corners 1/8 inches minimum radius.
3.11							Is the edge between all pedestrian paths and vehicular ways identified by a change in level (curbs) or truncated dome detectable warnings?
4.00							Accessible Curb Ramps
4.01							What is the reference on the site plan for this curb ramp? (CR-)
4.02							Is there a smooth transition between the road and the curb ramps?
4.03							Is the slope of the adjoining gutters and road surface within 4 feet of the curb ramp 5% or less?
4.04							Is the curb ramp 48 inches wide minimum?
4.05							Is the curb ramp front to back slope 8.3% or less?
4.06							Is the cross slope on the curb ramp 2% or less?
4.07							Are all curb ramp flares sloped 10% or less?
4.08							Are detectable warnings (truncated domes) provided at the curb ramp?
4.09							Do detectable warnings on curb ramps contrast visually with the adjoining surfaces?
4.10							Is there a 12 inch wide grooved border provided around the level area of the top and sides of the curb ramp?
4.11							Are the border grooves approximately 3/4 inches on center?
4.12							Are there level landings (2% or less slope in any direction) 48 inches deep minimum, and at least as wide as the clear width of the adjacent curb ramp, at the top of each curb ramp? OR Does it have flared sides that are sloped 8.3% or less?
4.13							Does the surface of each curb ramp and its flared sides have contrasting texture and contrasting finish from that of the adjacent sidewalk?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
5.00							Ramps
5.01							What is the reference on the site plan for this ramp? (R-___)
5.02							If this portion of route has running slopes greater than 5% and a rise of more than 6 inches does it have handrails on both sides?
5.03							Do all portions of the accessible ramp have running slopes 8.3% or less?
5.04							Are cross slopes 2% or less?
5.05							Is a 5 feet long by 5 feet wide minimum landing provided at the top of each ramped section?
5.06							Is an intermediate landing provided wherever the rise is more than 30 inches?
5.07							Is each intermediate landing at least 5 feet long?
5.08							If use of an intermediate landing requires a turn or change in direction, is a 5 feet wide x 6 feet long minimum landing provided?
5.09							Is each bottom landing at least 6 feet in length?
5.10							Is the clear width of every ramped section at least 48 inches?
5.11							Are all landings at least as wide as the ramped sections leading to them?
5.12							Is edge protection provided along each side of every ramp section and every landing with a drop off greater than 4 inches?
5.13							Are the handrails located 34 inches to 38 inches AFF, as measured to the top of the gripping surface, along each side of each ramp section?
5.14							Are all the handrails 1-1/4 inches to 1-1/2 inches in diameter?
5.15							Does each handrail have a 12 inches minimum horizontal extension at the top and bottom of each ramp section?
5.16							Are all landings sloped 2% or less?
6.00							Telephones
6.01							Is the public pay phone on a 48 inches wide accessible route with a 30 inches by 48 inches minimum clear floor space?
6.02							Does at least one phone at this location have a volume control?
6.03							Is this phone marked by the volume control symbol?
6.04							Is highest operable part of the lowest phone (usually the coin slot centerline) 48 inches or less AFF?
6.05							Is the handset cord at least 29" in length?
7.00							Entry/Exit Doors
7.01							Are the accessible entrances on an accessible route?
7.02							Are all entrances to the store accessible?
7.03							Is there directional signage indicating the location of the accessible entry door provided at each non-accessible entry door?
7.04							What is the number of this door as shown on the site plan sketch on the cover sheet?
7.05							Is this an exit only door?
7.06							Is there a 48 inches wide minimum unobstructed accessible route from the public sidewalk or right of way to this door (unobstructed by curbs, vehicle overhangs, protruding objects or any other barriers)?
7.07							Does this door have an ISA decal?
7.08							Can all opening hardware be operated with a closed fist?
7.09							Is all door hardware centered between 34 inches and 44 inches AFF?
7.10							Is the door opening force for all leaves of this doorway no more than 5 lbf?
7.11							Is the door closing speed 5 seconds or more from 90 degrees to 12 degrees from the latch for all leaves of this doorway?
7.12							Is the clear width of at least one single leaf 32 inches minimum?
7.13							Does the threshold have an overall height of 1/2 inch maximum?
7.14							Does the threshold have abrupt portions that are 1/4 inch high maximum?
7.15							Does the threshold have a 1:2 maximum bevel for any portion that is more than 1/4 inch high?
7.16							Is there a 10 inches high smooth panel or kick plate located on the base of the push side of all leaves of the doorway?
7.17							Does the door have pull and push side maneuvering spaces that comply with the figure 11B -26? Note different criteria for exterior door landings!
7.18							Are the required maneuvering spaces on each side of the door sloped 2% or less in all directions?
7.19							Does each grade-level exterior exit door have tactile signage located on the latch side of the door 60 inches AFF or located on the face of the door if the door has a closer and no hold open device?
7.20							Is there an 18 inches clear floor space centered on the sign?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
8.00							Queuing Aisle
8.01							Is there a 60 inches long by 60 inches wide minimum turning space at every turn in the path or if the path is at least 42 inches wide is the depth of the turn at least 48 inches?
8.02							Is the narrowest clear width between the the barriers 36 inches minimum?
8.03							Do queuing aisle separation barriers have detectable elements?
9.00							Service Counter
9.01							Is the height of the accessible order counter 34 inches maximum?
9.02							Is the width of the accessible order counter 36 inches minimum?
9.03							Is the height of the accessible pick-up counter 34 inches maximum?
9.04							Is the width accessible pick-up counter 36 inches minimum?
9.05							Is the credit card reader within reach range or on a cord long enough to reach to the lap of a customer who uses a wheelchair?
9.06							Is any signature pad writing surface 34 inches AFF maximum or on a cord long enough to reach to the lap of a customer who uses a wheelchair?
10.00							Self Service Condiments and Drinks Counter
10.01							Is at least one of each type of container, utensil or condiment located within the 2004 ADAAG accessible reach range (within 48 inches maximum AFF or 46 inches maximum AFF for depths between 10 and 24 inches, with no reach depth beyond 24 inches)?
10.02							Is at least one of each type of drink dispenser located within the 2004 ADAAG accessible reach range (within 48 inches maximum AFF or 46 inches maximum AFF for depths between 10 and 24 inches, with no reach depth beyond 24 inches)?
10.03							Is the top of each self service counter or tray slide 34 inches maximum AFF?
10.04							Is the self service counter space 36 inches long minimum?
10.05							Is the control of every dispenser operable with a closed fist?
11.00							Interior Accessible Seating and Tables
11.01							What is the total number of seating positions inside the restaurant?
11.02							Is 5% of the seating positions in each area accessible?
11.03							Is there a 36 inches wide minimum accessible route serving every accessible seating location?
11.04							Is the height of the table top between 28 inches and 34 inches maximum at every accessible seating position?
11.05							Is 27 inches high by 30 inches wide by 19 inches deep knee clearance provided at every accessible seating position?
11.06							If there is an audible public alarm in the building, is there a visual fire alarm in the dining area?
11.50							Exterior Accessible Seating and Tables
11.51							What is the total number of seating positions outside the restaurant?
11.52							Is 5% of the seating positions in each area accessible?
11.53							Is there a 36 inches wide minimum accessible route serving every accessible seating location?
11.54							Is the height of the table top between 28 inches and 34 inches maximum at every accessible seating position?
11.55							Is 27 inches high by 30 inches wide by 19 inches deep knee clearance provided at every accessible seating position?
12.00							Interior Accessible Routes
12.01							Is the upper approach and lower tread of each stair marked by a 2-inch wide equally slip resistant strip of clearly contrasting color parallel to and no more than 1 inch from the nose of the step or landing?
12.02							Is there a 36 inches wide accessible route connecting the accessible entry/entrances with all accessible spaces and elements within the facility including serving and condiment counters, dining areas, restrooms and playgrounds if available?
12.03							Are all required accessible routes stable, firm and slip resistant?
12.04							Are all required accessible routes free of abrupt changes in level greater than 1/4 inch in height?
12.05							Are all required accessible routes free of gaps greater than 1/2 inch wide?
12.06							Do all accessible routes have running slopes 5% or less? If no, complete section 5.
12.07							Do all accessible routes have cross slopes 2% or less?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
12.10							Protruding Objects
12.11							Are all pedestrian paths free of objects protruding more than 4 inches (12 inches if post mounted such as signage) horizontally, between 27 and 80 inches high?
12.12							Is there 80 inches high minimum head clearance along all pedestrian paths?
13.00							Interior Stairs
13.01							Are any stairs part of a means of egress? If no skip to next section.
13.02							Are all the risers 4 inches minimum to 7 inches high maximum?
13.03							Are all treads 11 inches minimum in depth?
13.04							Are all risers closed?
13.05							Are all nosings free of protrusions and are either flush, smooth or beveled?
13.06							Is there visually contrasting striping provided on the upper and lower treads of the stairway?
13.07							Is there striping 2 inches to 4 inches wide located 1 inch maximum from the nose of the step?
13.08							Does the striping extend the full width of the stair?
13.09							Are handrails provided on both sides of the stairs?
13.10							Are all handrails located 34 inches to 38 inches AFF as measured to the top of the gripping surface?
13.11							Do all handrails have a clearance of 1-1/2 inches minimum between the gripping surface and adjacent surfaces?
13.12							Do all handrails have 12 inches minimum extensions at both the top and the bottom of the stairway?
14.00							Play Areas
14.01							Is an accessible route provided from the restaurant to the playground area?
14.02							Is a ground level accessible route provided to all accessible ground level components?
14.03							Is there at least one accessible entrance and one accessible exit to the soft contained play structure (can be the same)?
14.04							If there are 4 or more entrances to the soft contained play structure are there at least 2 entrances that are accessible?
14.05							Is there a 60 inches minimum width accessible route from the entry of the play area to the each required accessible entry and exit of the soft contained play structure?
14.06							Is the clear width of elevated accessible routes connecting elevated components a minimum 36 inches wide?
14.07							Is there 80 inches high minimum head clearance along all accessible routes within the play area?
14.08							Do all accessible routes have compliant level change and edge transition conditions?
14.09							Is a 60" diameter or T-turn space provided at each accessible entry to the soft contained play structure?
14.10							Is a transfer platform provided at each accessible entry and exit of the soft contained play structure?
14.11							Are all transfer platforms at least 14 inches deep and 24 inches wide and located between 11 inches and 18 inches AFF.
14.12							Is a 30 inches by 48 inches clear floor space centered along the long side of each transfer platform?
14.13							Is at least one means of support (handrail or gripping surface) provided at every transfer platform?
14.14							Within the play area, do all accessible routes connecting ground level play components and connecting elevated play components have slopes of 1:16 (6.2%) maximum?
14.15							Is the rise of any such ramp no more than 12 inches high?
14.16							Are handrails provided that are located 20 inches to 28 inches AFF, as measured to the top of the gripping surface, along each side of each ramp section? (Handrails are not required at ramps located within ground level use zones.)
14.17							For handrails with a circular cross section, is the outside diameter 0.95 inches minimum and 1.55 inches maximum?
14.18							For handrails with a non-circular cross section, is an equivalent gripping surface provided?
14.19							Has the manufacturer provided proof of ADA compliance for all traditional non-contained composite structures and any free-standing play equipment?
14.20							Has documentation been supplied that indicates that the ground surface complies with the recommendations of ASTM F1951? *Note: The only loose fill surfacing material that is considered to be accessible by the Department of Justice is engineered wood fiber and only when it is maintained.
14.21							Has documentation been supplied that indicates that the accessible route falls within the use zone of the playground equipment complies with the impact attenuation criteria as outlined in the ASTM F1292 Standard for Impact Attenuating Surfacing Material for Under Playground Equipment?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
15.00							Games / Kiosk / Vending
15.01							Are all self service kiosks, vending machines or free standing game units on an accessible route with a 30 inches by 48 inches minimum clear floor space?
15.02							Are all controls and operating elements located within 48 inches maximum AFF or 46 inches maximum AFF for depths between 10 and 24 inches, with no reach depth beyond 24 inches?
15.03							Are all controls or operating elements operable with a closed fist or flail hand with 5 lbs or less of force?
16.00							Men's or Unisex Restroom
16.01							Is this a unisex restroom?
16.02							Is the centerline of the restroom signage located 60 inches AFF on the strike side of the door?
16.03							Is there an 18 inches clear floor space centered on the sign?
16.04							Does the sign have tactile characters that are raised at least 1/32"?
16.05							Is the character height of the tactile characters between 5/8 inches and 2 inches?
16.06							Does the sign have braille?
16.07							Do the non-glare characters on the sign visually contrast with a non-glare background?
16.08							Is there a 12 inches (on a side) raised triangle (men's) or triangle/circle (unisex) located 60 inches AFF on the face of the door?
16.09							Are floor surfaces sloped less than 2% in all directions with no abrupt change in level greater than 1/4 inch high and no gaps greater than 1/2 inch wide.
16.10							Men's Entry Door
16.11							Can all opening hardware be operated with a closed fist?
16.12							Is all door hardware centered between 34 inches and 44 inches AFF?
16.13							Is the door opening force for all accessible interior and exterior doors no more than 5 lbf?
16.14							Is the door closing speed 5 seconds or more from 90 degrees to 12 degrees from the latch?
16.15							Is the clear width of each door 32 inches minimum?
16.16							Does each threshold have an overall height of 1/2 inch maximum?
16.17							Does each threshold have a 1/4 inch abrupt height maximum?
16.18							Does each threshold have a 1:2 maximum bevel between 1/4 inch abrupt and 1/2 inch overall?
16.19							Is there a 10 inches high smooth panel or kick plate located on the base of the push side of all the doors?
16.20							Does each door have pull and push side maneuvering spaces that comply with the figure 11B - 26?
16.21							Is the required maneuvering space on each side of the door sloped 2% or less?
16.22							Is there a 60 inches diameter or a T-Turn turning space provided in the restroom? Other than the door to the accessible water closet compartment, a door, in any position, may encroach into this space by not more than 12 inches.
16.23							Are the clear floor spaces for all required accessible fixtures free of over swinging doors (i.e. entry door or compartment doors)?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
16.24							Men's Lavatory
16.25							Is the top of the accessible lavatory 28 inches to 34 inches high?
16.26							Is a 27 inches high by 30 inches wide by 8 inches deep minimum knee clearance provided under the lavatory?
16.27							Is a 9 inches high by 30 inches wide by 17 inches deep minimum toe clearance provided under the lavatory?
16.28							Are all the accessible lavatory pipes insulated or otherwise protected from contact?
16.29							Is the faucet hardware at the accessible lavatory automatic or operable with a closed fist? If automatic, does it remain open at least 10 seconds? If operable with a closed fist, does it require at most 5 pounds of force to operate?
16.30							Is a mirror provided with the bottom reflecting edge located 40 inches high maximum?
16.31							Is an accessible lavatory located outside a water closet compartment?
16.32							Is the accessible lavatory centered at least 18 inches from the nearest side wall or partition?
16.33							Dispensers / Accessories
16.34							If there is a customer use light switch, is the top of the light switch outlet box 48 inches high maximum with a 30 inches by 48 inches minimum clear floor space?
16.35							Is at least one of each type of dispenser in the restroom on an accessible route with a 30 inches by 48 inches minimum clear floor space?
16.36							Is at least one of each type of dispenser mounted with controls 40 inches maximum AFF?
16.37							Is the diaper changing station on an accessible route with an accessible clear floor space?
16.38							Is the diaper changing station pull down handle and all other operable controls located 40 inches high maximum?
16.39							Is the diaper changing station surface (when open) 28 inches to 34 inches high maximum?
16.40							Does the diaper changing station surface (when open) provide accessible knee clearance?
16.41							Are accessible dispensers operable without pinching, grasping or twisting of the wrist and require 5 lbf or less to operate?
16.42							If there is an audible public alarm in the building, is there a visual fire alarm in the restroom?
16.43							Urinal
16.44							How many urinals are provided?
16.45							Is the lip of one urinal 17 inches high maximum?
16.46							Is there a clear floor space 48 inches long and 30 inches wide minimum (36 inches wide minimum if in an alcove over 24 inches deep) at that urinal?
16.47							Does the lip of that urinal extend 14 inches to 17 inches from the rear wall?
16.48							Is the urinal's flush control automatic or 44 inches high maximum and operable with no more than 5 lbf of pressure?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
16.49							Men's Toilet
16.50							Is a clear floor space provided at a toilet that is 60 inches wide minimum (and providing at least 32 inches of clear width between the open side of the water closet and wall or partition) and extending at least 48 inches minimum clear in front of water closet for an end-opening door ?
16.51							Is a clear floor space provided at a toilet that is 60 inches wide minimum (and providing at least 32 inches of clear width between the open side of the water closet and wall or partition) and extending at least 60 inches minimum clear in front of water closet for an side-opening door ?
16.52							Is there an unobstructed route 44 inches wide leading through the restroom to the accessible stall.
16.53							Is the toilet compartment door self-closing, provide a clear opening width of 32 inches minimum, and located within 4 inches of the compartment corner diagonally opposite the toilet?
16.54							If door is located in the side of the compartment does it provide a net clear width of 34 inches?
16.55							If the accessible compartment door is out-swinging, are the exterior maneuvering spaces compliant with figure 11B-26? (The space immediately outside the compartment door must be at least 48 inches measured perpendicular to the compartment door in its closed position.)
16.56							Is all accessible compartment door hardware operable with a closed fist?
16.57							Is the inside and outside of the accessible compartment door equipped with a loop or U-shaped handle located near the latch?
16.58							Is all door hardware centered between 34 inches and 44 inches AFF?
16.59							If the toilet compartment has a side-opening door, is a minimum 60 inches wide and 60 inches deep clear floor space provided in front of the water closet?
16.60							If 9 inches high minimum toe clearance is not provided at the front partition, is the size of the toilet compartment at least 65 inches deep (62 inches deep minimum if water closet is wall mounted)?
16.61							If 9 inches high minimum toe clearance is not provided for at least one side partition, is the size of the toilet compartment at least 66 inches wide?
16.62							Is the toilet seat 17 inches to 19 inches AFF?
16.63							Is toilet centered 17-1/2 inches to 18-1/2 inches from sidewall?
16.64							Is the toilet flush control automatic or located on the open side of the toilet?
16.65							Is the toilet flush control 44 inches high maximum and operable with no more than 5 lbf of pressure?
16.66							Is a horizontal sidewall grab bar provided that is 1-1/4 to 1-1/2 inches in diameter, 42 inches long minimum, extending 54 inches minimum from the rear wall, centered 33 inches above the floor and with no obstructions within 12 inches above or 1-1/2 inches below the bar?
16.67							Is a horizontal rear wall grab bar provided that is 1-1/4 to 1-1/25 inches in diameter, 36 inches long minimum, extending 12 inches minimum from the toilet centerline towards the rear side wall, centered 33 inches (36 inches maximum at tank type toilets) above the floor and with no obstructions within 12 inches above or 1-1/2 inches below the bar?
16.68							Is the frontmost edge of the toilet paper dispenser opening (or roll if no dispenser opening is present) located 36 inches maximum from the rear wall and also 12 inches maximum from the front edge of the toilet seat?
16.69							Is the toilet paper dispenser located at least 1-1/2 inches below the side wall grab bar?
16.70							Is the toilet paper dispenser opening located at least 15 inches above the floor?
16.71							Is at least one of each hook and dispenser in the accessible compartment within an accessible reach range?
16.72							If a shelf is provided, is it located 40 inches minimum and 48 inches maximum AFF?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
16.73							Men's Ambulatory compartment
16.74							If there are 6 or more toilet compartments (or the combination of urinals and toilets totals 6 or more), is an ambulatory compartment provided?
16.75							If an ambulatory compartment is provided is it 36 inches wide and at least 60 inches long?
16.76							Is the compartment door out-swinging, self-closing, and does it provide at least 32 inches of clear opening width?
16.77							Is all accessible door hardware operable with a closed fist?
16.78							Is a door pull provided on the inside and outside of the compartment door located near the latch?
16.79							Is all door hardware centered between 34 inches and 44 inches AFF?
16.80							Is the exterior door maneuvering space compliant with figure 11B-26?
16.81							Is toilet centered 18 inches from side wall?
16.82							Are there two horizontal sidewall grab bars provided in the ambulatory compartment that are 1-1/4 to 1-1/2 inches in diameter, 42 inches long minimum, extending 54 inches minimum from the rear wall?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
17.00							Women's or 2nd Unisex Restroom
17.01							Is this a unisex restroom?
17.02							Is the centerline of the restroom signage located 60 inches AFF on the strike side of the door?
17.03							Is there an 18 inches clear floor space centered on the sign?
17.04							Does the sign have tactile characters that are raised at least 1/32"?
17.05							Is the character height of the tactile characters between 5/8 inches and 2 inches?
17.06							Does the sign have braille?
17.07							Do the non-glare characters on the sign visually contrast with a non-glare background?
17.08							Is there a 12 inches (on a side) raised circle located 60 inches AFF on the face of the door?
17.09							Are floor surfaces sloped less than 2% in all directions with no abrupt change in level greater than 1/4 inch high and no gaps greater than 1/2 inch wide.
17.10							Women's Entry Door
17.11							Can all opening hardware be operated with a closed fist?
17.12							Is all door hardware centered between 34 inches and 44 inches AFF?
17.13							Is the door opening force for all accessible interior and exterior doors no more than 5 lbf?
17.14							Is the door closing speed 5 seconds or more from 90 degrees to 12 degrees from the latch?
17.15							Is the clear width of each door 32 inches minimum?
17.16							Does each threshold have an overall height of 1/2 inch maximum?
17.17							Does each threshold have a 1/4 inch abrupt height maximum?
17.18							Does each threshold have a 1:2 maximum bevel between 1/4 inch abrupt and 1/2 inch overall?
17.19							Is there a 10 inches high smooth panel or kick plate located on the base of the push side of all the doors?
17.20							Does each door have pull and push side maneuvering spaces that comply with the figure 11B - 26?
17.21							Is the required maneuvering space on each side of the door sloped 2% or less?
17.22							Is there a 60 inches diameter or a T-Turn turning space provided in the restroom? Other than the door to the accessible water closet compartment, a door, in any position, may encroach into this space by not more than 12 inches.
17.23							Are the clear floor spaces for all required accessible fixtures free of over swinging doors (i.e. entry door or compartment doors)?
17.24							Women's Lavatory
17.25							Is the top of the accessible lavatory 28 inches to 34 inches high?
17.26							Is a 27 inches high by 30 inches wide by 8 inches deep minimum knee clearance provided under the lavatory?
17.27							Is a 9 inches high by 30 inches wide by 17 inches deep minimum toe clearance provided under the lavatory?
17.28							Are all the accessible lavatory pipes insulated or otherwise protected from contact?
17.29							Is the faucet hardware at the accessible lavatory automatic or operable with a closed fist? If automatic, does it remain open at least 10 seconds? If operable with a closed fist, does it require at most 5 pounds of force to operate?
17.30							Is a mirror provided with the bottom reflecting edge located 40 inches high maximum?
17.31							Is an accessible lavatory located outside a water closet compartment?
17.32							Is the accessible lavatory centered at least 18 inches from the nearest side wall or partition?

Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
17.33							Dispensers / Accessories
17.34							If there is a customer use light switch, is the top of the light switch outlet box 48 inches high maximum with a 30 inches by 48 inches minimum clear floor space?
17.35							Is at least one of each type of dispenser in the restroom on an accessible route with a 30 inches by 48 inches minimum clear floor space?
17.36							Is at least one of each type of dispenser mounted with controls 40 inches maximum AFF?
17.37							Is the diaper changing station on an accessible route with an accessible clear floor space?
17.38							Is the diaper changing station pull down handle and all other operable controls located 40 inches high maximum?
17.39							Is the diaper changing station surface (when open) 28 inches to 34 inches high maximum?
17.40							Does the diaper changing station surface (when open) provide accessible knee clearance?
17.41							Are accessible dispensers operable without pinching, grasping or twisting of the wrist and require 5 lbf or less to operate?
17.42							If there is an audible public alarm in the building, is there a visual fire alarm in the restroom?

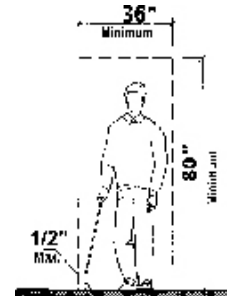
Line #	Yes	No	N/A	Measurement or Number	Photo #	Comment	Question
17.43							Women's Toilet
17.44							Is a clear floor space provided at a toilet that is 60 inches wide minimum (and providing at least 32 inches of clear width between the open side of the water closet and wall or partition) and extending at least 48 inches minimum clear in front of water closet for an end-opening door ?
17.45							Is a clear floor space provided at a toilet that is 60 inches wide minimum (and providing at least 32 inches of clear width between the open side of the water closet and wall or partition) and extending at least 60 inches minimum clear in front of water closet for an side-opening door ?
17.46							Is there an unobstructed route 44 inches wide leading through the restroom to the accessible stall.
17.47							Is the toilet compartment door self-closing, provide a clear opening width of 32 inches minimum, and located within 4 inches of the compartment corner diagonally opposite the toilet?
17.48							If door is located in the side of the compartment does it provide a net clear width of 34 inches?
17.49							If the accessible compartment door is out-swinging, are the exterior maneuvering spaces compliant with figure 11B-26? (The space immediately outside the compartment door must be at least 48 inches measured perpendicular to the compartment door in its closed position.)
17.50							Is all accessible compartment door hardware operable with a closed fist?
17.51							Is the inside and outside of the accessible compartment door equipped with a loop or U-shaped handle located near the latch?
17.52							Is all door hardware centered between 34 inches and 44 inches AFF?
17.53							If the toilet compartment has a side-opening door, is a minimum 60 inches wide and 60 inches deep clear floor space provided in front of the water closet?
17.54							If 9 inches high minimum toe clearance is not provided at the front partition, is the size of the toilet compartment at least 65 inches deep (62 inches deep minimum if water closet is wall mounted)?
17.55							If 9 inches high minimum toe clearance is not provided for at least one side partition, is the size of the toilet compartment at least 66 inches wide?
17.56							Is the toilet seat 17 inches to 19 inches AFF?
17.57							Is toilet centered 17-1/2 inches to 18-1/2 inches from sidewall?
17.58							Is the toilet flush control automatic or located on the open side of the toilet?
17.59							Is the toilet flush control 44 inches high maximum and operable with no more than 5 lbf of pressure?
17.60							Is a horizontal sidewall grab bar provided that is 1-1/4 to 1-1/2 inches in diameter, 42 inches long minimum, extending 54 inches minimum from the rear wall, centered 33 inches above the floor and with no obstructions within 12 inches above or 1-1/2 inches below the bar?
17.61							Is a horizontal rear wall grab bar provided that is 1-1/4 to 1-1/25 inches in diameter, 36 inches long minimum, extending 12 inches minimum from the toilet centerline towards the rear side wall, centered 33 inches (36 inches maximum at tank type toilets) above the floor and with no obstructions within 12 inches above or 1-1/2 inches below the bar?
17.62							Is the frontmost edge of the toilet paper dispenser opening (or roll if no dispenser opening is present) located 36 inches maximum from the rear wall and also 12 inches maximum from the front edge of the toilet seat?
17.63							Is the toilet paper dispenser located at least 1-1/2 inches below the side wall grab bar?
17.64							Is the toilet paper dispenser opening located at least 15 inches above the floor?
17.65							Is at least one of each hook and dispenser in the accessible compartment within an accessible reach range?
17.66							If a shelf is provided, is it located 40 inches minimum and 48 inches maximum AFF?
17.67							Women's Ambulatory compartment
17.68							If there are 6 or more toilet compartments (or the combination of urinals and toilets totals 6 or more), is an ambulatory compartment provided?
17.69							If an ambulatory compartment is provided is it 36 inches wide and at least 60 inches long?
17.70							Is the compartment door out-swinging, self-closing, and does it provide at least 32 inches of clear opening width?
17.71							Is all accessible door hardware operable with a closed fist?
17.72							Is a door pull provided on the inside and outside of the compartment door located near the latch?
17.73							Is all door hardware centered between 34 inches and 44 inches AFF?
17.74							Is the exterior door maneuvering space compliant with figure 11B-26?
17.75							Is toilet centered 18 inches from side wall?
17.76							Are there two horizontal sidewall grab bars provided in the ambulatory compartment that are 1-1/4 to 1-1/2 inches in diameter, 42 inches long minimum, extending 54 inches minimum from the rear wall?

Appendix

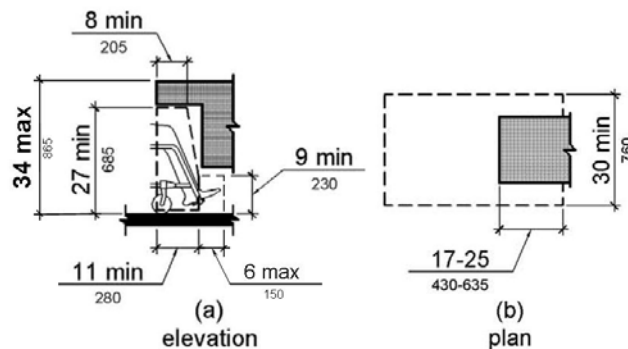
A-1 Glossary

Glossary of Terms (Defined terms are italicized in the form.)

Term	Definition
AFF	(A)bove (F)inished (F)loor.
Access Aisle	The clear ground area next to an accessible parking space that provides room for a driver or passenger with a disability to enter and exit from the side of their vehicle. Van accessible access aisles are at least 8' wide. All other access aisles are at least 5' wide. One access aisle can be shared between two accessible parking spaces if cars can pull in forward and back into the parking spaces allowing the driver to position either the rider or driver next to the access aisle.
Accessible Route	<p>An accessible route is required to connect all accessible spaces or features on the site. Continuity of the accessible route is critical though the route is not required to be the shortest route. It must start at the property line, public sidewalk or the public right-of-way and lead to an accessible entry door. Accessible routes also connect the entry with the accessible parking and every feature used by customers that is intended to be accessible. Accessible routes from parking and public rights of way may overlap each other. An accessible route must meet three criteria.</p> <ol style="list-style-type: none"> 1) It must be a minimum of 36" wide which accommodates a person who uses a wheelchair. The path can be narrowed at points to a minimum of 32" for a maximum distance of 24" such as when it goes through a doorway or past a column. 2) It must have no abrupt vertical changes in level greater than 1/4" high, nor horizontal gaps greater than 1/2" wide. If there are vertical breaks in the path, they must have a curb ramp or a ramp. 3) It must have a running slope not greater than 1:20 (5%) and a cross slope not greater than 1:50 (2%). <p>Note: An obstruction to an accessible route may or may not also be a <i>protruding object</i>.</p>
Clear Floor Space	30" wide X 48" long, level and unobstructed floor or ground surface that allows wheelchairs to approach and use equipment and features.
Closed Fist Rule	People with arthritis, hand injuries or amputations, or high spinal cord injuries may have great difficulty making a tight grip, pinching, twisting their wrist or making fine finger movements. If a device can be operated by a hand formed into a loosely clenched fist (or loose fingered flail hand) and with little force (5 lbs. or less), then most people with limited hand dexterity should be able to operate it. Use the closed fist rule when surveying items such as door hardware and faucets.
Closer	A mechanical device that automatically closes a door, closers must require no more than 5 pounds to operate and must take at least 3 seconds to close the door.
Cross Slope	The slope that is perpendicular to the direction of travel along a circulation route.
Curb ramp v. ramp	A short ramp without handrails, built into or up to a sidewalk or raised apron and that provides a sloped transition usually between a driving surface and a walkway surface. A curb ramp is required wherever an <i>accessible route</i> crosses a curb or other level change. A ramp is a walking surface which has a <i>running slope</i> greater than 1:20 (5%).
Detectable Elements	An object that is at or below a height of 27" that can be detected by a person using a long white cane. See Protruding Objects below.
Detectable warnings	Truncated domes that visually contrast with the color of the pavement on which they are positioned. Detectable warnings take the place of curbs to warn people with visual impairments of the edge between pedestrian and vehicular paths. Visually impaired people pay attention to detectable warnings to tell them if they are in pedestrian areas or dangerous vehicular areas. Parking spaces, <i>access aisles</i> and cross walks are considered vehicular areas. Truncated domes were reserved for several years in the 1990's by the US Department of Justice while they conducted research about the effectiveness of the material. They were reinstated in the early 2000's and are required on all <i>curb ramps</i> and at flush edges between pedestrian and vehicular areas. Note: Some States and municipalities have differing criteria.
Highest Operating Element/Highest Operable Part	The lowest operable part of the highest element or control a person must reach in order to complete the functions of the task. (i.e. on/off handle, push to start button, dispenser controls, coin slot on pay telephones, pump on air pots, hot water or ice dispensers etc.) When measuring the height of large buttons, measure to the lowest point where the button will activate the device.
Horizontal Gaps	All <i>accessible routes</i> must be free of horizontal gaps wider than 1/2" (i.e. cracks in walks, grates, grills etc.).
International Symbol of Accessibility (ISA)	The international 'wheelchair' symbol designating accessibility.
Knee and Toe Clearance	The shape of the area under tables, lavatories and counters that allows wheelchair users to closely approach and use the element.

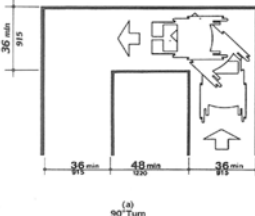
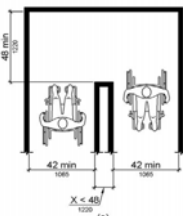
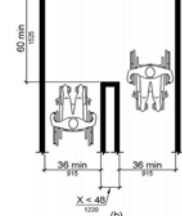
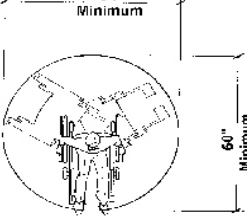
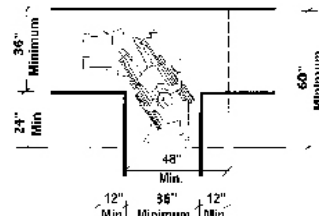
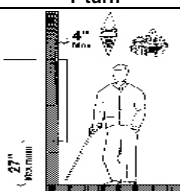
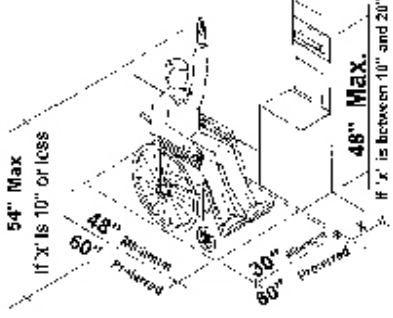


Accessible Route



Appendix

A-1 Glossary

Term	Definition																		
Maneuvering Space & Turns	90 degree turns can be made from a 36" wide aisle into another 36" wide aisle.																		
	180 degree turns can be made from a 42" wide aisle to a 42" wide aisle through a 48" deep turning space.																		
	180 degree turns can also be made from a 36" wide aisle to another 36" wide aisle through a 60" deep turning space.																		
	A 5' diameter space will allow any type of turn of up to 360 degrees.																		
	A 360 degree "T" turn can be made at the intersection of two 36" wide aisles.																		
	<div><div><p>(a) 90 degree turn</p></div><div><p>(a) 180 degree turn</p></div><div><p>(b) 180 degree turn (Exception)</p></div><div><p>5' Diameter Turning space</p></div><div><p>T-turn</p></div></div>																		
Protruding Objects	All circulation paths, including <i>accessible routes</i> , must have no protruding or overhanging objects (such as signs, promotion displays or hanging planters) that might be a hazard to a person who is visually impaired. Any object that protrudes into the path more than 4" must either be above 80" (head height) or have a portion that is at or below 27" where it can be detected by a person using a long white cane. Queuing lines without intermediate railings (at or below 27") are potential protruding objects. Note: Protruding Objects do not necessarily obstruct an <i>accessible route</i> .																		
	 <p>Protruding Objects</p>																		
Public Right of Way	The streets and sidewalks owned by the local municipality that border the site.																		
Reach Range	Many people who are of short stature or who use wheelchairs can only reach up to about 48" AFF. Some others who use a wheelchair can reach up to 54" AFF from the side if there is a 30" deep by 48" wide <i>clear floor space</i> alongside and no more than 10" horizontally from the object. Remember, the side reach works only as long as there is nothing higher than 34" between the wheelchair and the object. Obstructed Side Reach Interpolation Table <table><tr><th>Depth - Height</th><th>Depth - Height</th><th>Depth - Height</th></tr><tr><td>10" 54"</td><td>15" 51"</td><td>20" 48-1/2"</td></tr><tr><td>11" 53-1/2"</td><td>16" 50-1/2"</td><td>21" 47-1/2"</td></tr><tr><td>12" 53"</td><td>17" 50"</td><td>22" 47"</td></tr><tr><td>13" 52 1/2"</td><td>18" 49 1/2"</td><td>23" 46-1/2"</td></tr><tr><td>14" 51 - 1/2"</td><td>19" 49"</td><td>24" 46"</td></tr></table>  <p>range of reach</p>	Depth - Height	Depth - Height	Depth - Height	10" 54"	15" 51"	20" 48-1/2"	11" 53-1/2"	16" 50-1/2"	21" 47-1/2"	12" 53"	17" 50"	22" 47"	13" 52 1/2"	18" 49 1/2"	23" 46-1/2"	14" 51 - 1/2"	19" 49"	24" 46"
Depth - Height	Depth - Height	Depth - Height																	
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14" 51 - 1/2"	19" 49"	24" 46"																	
Running Slope	The slope that is parallel to the direction of travel.																		
Site	The land on which the restaurant is located.																		
T-turn	See <i>Maneuvering Space and Turns</i> above																		
Tactile Signage	Signs which have letters or characters that are raised above the surface so that they can be read by touch by people with limited vision. Tactile signs are also required to have raised Braille dots. Tactile signs should be located on the wall beside the latch jamb of a doorway and positioned so that the baseline of the highest characters is no more than 60" AFF and the baseline of the lowest characters on the sign is no less than 48" AFF. Note: It doesn't hurt to have a compliant sign on the wall and another sign on the face of the restroom door.																		
Threshold	The horizontal strip on the floor at the bottom of a door frame that helps weatherproof the doorway. Thresholds can have an abrupt portion that is no higher than 1/4" and an overall height of no more than 1/2" with anything over 1/4" beveled at 1:2. An easy way to measure a curb ramp is to place a slope meter (or other straight edge) on top of the threshold so that it extends over the floor on either side and measure the distance between the bottom of the slope meter and the floor.																		
Unisex Restroom	A toilet room intended for private use by either sex, one person at a time.																		
Van Accessible	An accessible parking space that has an 8' wide <i>access aisle</i> to accommodate a van with a side lift.																		

SETTLEMENT AGREEMENT
EXHIBIT E

Claim No:

Control No:

CLAIM FORM **INSTRUCTIONS**

Read Carefully Before You Complete the Attached Claim Form.

1. To be eligible to file a claim in this case, you must be a Damages Claimant.
2. A Damages Claimant is an individual with a mobility-impairment disability who uses a wheelchair or electric scooter for mobility who, at any time on or after October 16, 2006, was denied on the basis of his/her mobility-impairment disability, full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of one or more of the eighty-six (86) covered restaurants.
3. The eighty-six (86) covered Burger King restaurants are identified in the attached table.
4. Each person who wishes to make a claim must submit his or her own claim form.
5. You must answer all questions and fill in all applicable blanks on the claim form, and this includes providing the information relevant to your experiences in the attached table. Failure to complete the claim form may result in your claim being denied.
6. In filling out your claim form, please print legibly or type.
7. Attach additional sheets if you need more space to answer questions or provide information. Write your full name and Social Security Number on each additional sheet.
8. If you believe you experienced discrimination at more than one store or on more than one occasion, you should describe each such incident in the attached table
9. You must date and sign the claim form. If you are under 18 years of age, your parent or legal guardian must also sign your claim form. If you cannot sign your name due to a disability or incapacity, the form may be signed by your designated representative. If a Damages Claimant has died, the executor of the estate or an authorized representative may complete and sign the form.
10. By signing your claim form, you are declaring under penalty of perjury that the information on the form is true and correct. Please understand that you could be subject to criminal penalties for submitting any false information on your claim form.
11. Your claim form must be mailed and postmarked on or before [DATE] or your claim will be denied. To insure that you have a record of your claim and date of mailing, we suggest that you keep a copy of your signed claim form and mail the original claim form by certified mail and keep a copy of the postmarked certified mail receipt. (Certified mail is suggested, but not required.) For your records and reference, please keep these instructions.
12. If you want further information about the settlement or have questions about these instructions or about how to complete the claim form, please call the Claims Administrator, free of charge, at (888) 404-8013 or call Class Counsel, also free of charge, at (888) 461-9191. Do not call the Court or the Clerk of the Court.
13. Filing this claim does not automatically guarantee that you will receive a monetary award as part of the settlement of

these cases. Your claim and the information you provide will be subject to review and verification by the Claims Administrator. You may be asked to provide additional information to support your claim. If you do not respond to a request for additional information by the date such response is due, your claim will be denied.

14. It is your responsibility to keep the Claims Administrator advised of any change in your address. If you do not keep the Claims Administrator advised of your current address, any monetary award to which you may be entitled could be forfeited. Any change of address should be reported in writing along with your complete name and signature, Social Security number, and former address to:

*Vallabhapurapu v. Burger King
Corporation*
c/o The Garden City Group, Inc.
PO Box 91088
Seattle, WA 98111-9188

15. You do not need to have an attorney to help you submit a claim form. Class Counsel will attempt to answer any questions you might have. However, if you do wish to consult with your own attorney, you may do so at your own expense.
16. The amount that an Eligible Claimant may recover for each qualifying visit shall be determined as described in the Class Notice.
17. **Please note: 1099 forms will be issued as required by law to recipients of the monetary award. Monetary awards obtained from this Lawsuit are subject to taxation and may impact eligibility for various government benefits, such as Supplemental Security Income, Medi-Cal or In-Home Supportive Services. You may also be required to report your receipt of settlement funds to government agencies. You are strongly advised to consult an independent tax advisor, as well as a disability benefits counselor, such as Disability Rights California ((510) 267-1200) or your local legal aid office.**
18. Monetary awards may be made out to pre-established special needs trusts. If you would like your award to be made out to a special needs trust, please provide the name of the trust below.

**MUST BE
POSTMARKED ON
OR BEFORE
[DATE]**

**Vallabhapurapu v. Burger King
Corporation
c/o The Garden City Group, Inc.
P.O. Box 91088**

Claim No: _____

Control No: _____

CLAIM FORM

**Vallabhapurapu v. Burger King Corp., Civil Action No. C11-
00667**

**IT IS IMPORTANT THAT YOU READ THE ATTACHED INSTRUCTIONS BEFORE
YOU BEGIN FILLING OUT THIS CLAIM FORM
YOUR CLAIM FORM MUST BE POSTMARKED
ON OR BEFORE [DATE]**

19. Full Name: _____
Last First Middle

20. Current Address: _____
No. Street Name Apt. No.

City State Zip Code

21. Permanent Address (if different):

No. Street Name Apt. No.

City State Zip Code

22. Home Telephone Number: (_____) _____

23. Alternate Telephone Number: (_____) _____

24. Email Address: _____

25. Social Security Number: _____

26. If you have a trust established, and would like the check for your portion of the settlement funds to be made out to the trust, please include the trust name here:

27. Have you been to any of the 86 covered BURGER KING® restaurants listed in the Claim Form Instructions between October 16, 2006 and the present?

YES NO (Circle one)

If your answer is No, you are not eligible to participate in this claims process. If your answer is Yes, please proceed to the next question.

QUESTIONS? CALL TOLL-FREE 1 (888) 404-8013

28. If you have a mobility impairment that:

- a. requires you to use a wheelchair or scooter for mobility,
- b. visited a covered restaurants during the covered period, and
- c. encountered any architectural or other barriers that deterred you from entering the restaurant or hindered your access within a restaurant;

In the spaces provided in the following table, you should indicate the number of times you visited each of the restaurants, the dates you visited the stores, and describe the hindrances you encountered.

If you do not have a mobility impairment that requires you to use a wheelchair or scooter for mobility, did not visit any of the covered restaurants, did not encounter any architectural or other barriers that deterred you from entering a covered restaurant or hindered your access with a covered restaurant, or cannot describe the hindrance you encountered, then you are NOT eligible to participate in the claims process and should not complete the form below.

29. As to **these 86 restaurants**, have you previously released your claim against Burger King Corporation for the time period between October 16, 2006 and the present?

YES NO (Circle one)

If your answer is Yes, you are not eligible to participate in this claims process. Please proceed if your answer is No.

I, _____ (print name) declare, under penalty of perjury that all of the information on this form is true and correct. I understand that I could be subject to criminal penalties for submitting any false information on this claim form.

Claimant

Date

YOU OR YOUR AUTHORIZED DESIGNEE MUST COMPLETE AND SIGN YOUR CLAIM FORM IN ORDER FOR IT TO BE CONSIDERED.

YOUR CLAIM FORM MUST BE POSTMARKED ON OR BEFORE [DATE] (LATE CLAIM FORMS WILL NOT BE CONSIDERED).

YOUR COMPLETED AND SIGNED CLAIM FORM MUST BE MAILED TO:

Vallabhapurapu v. Burger King
Corporation
c/o The Garden City Group, Inc
PO Box 91088
Seattle, WA 98111-9188

<i>Covered Restaurant No.</i>	<i>Address</i>	<i>City</i>	<i>Number of visits to store during the Class Period</i>	<i>Date(s) of visit(s)</i>	<i>Specific description of how your access was hindered at this store</i>
2359	29136 Roadside Dr	Agoura			
2495	2200 Otis Dr	Alameda			
4514	1901 Webster St	Alameda			
726	510 S Euclid St	Anaheim			
2976	13446 Lincoln Way	Auburn			
3316	41383 Big Bear Lake Blvd	Big Bear Lake			
6931	2500 E Imperial Hwy	Brea			
1036	21227 Sherman Way	Canoga Park			
2891	7201 Fair Oaks Blvd	Carmichael			
1682	8030 Greenback Ln	Citrus Heights			
2149	3150 Harbor Blvd	Costa Mesa			
3530	1250 9th St	Crescent City			
814	822 N Johnson St	El Cajon			

<i>Covered Restaurant No.</i>	<i>Address</i>	<i>City</i>	<i>Number of visits to store during the Class Period</i>	<i>Date(s) of visit(s)</i>	<i>Specific description of how your access was hindered at this store</i>
1549	2410 N Cedar Ave	Fresno			
3160	4610 E Kings Canyon Rd	Fresno			
9913	6735 N Golden State Blvd	Fresno			
2555	450 Leavesley Rd	Gilroy			
2132	1200 E Colorado St	Glendale			
2319	301 W Lacey Blvd	Hanford			
3147	12513 E Carson St	Hawaiian Gardens			
5869	16 Southland Mall	Hayward			
3233	81-779 Us Highway 111	Indio			
609	2101 W Whittier Blvd	La Habra			
4405	14600 Valley Blvd	La Puente			
2473	1202 W Avenue I	Lancaster			
2901	43627 N. 15th St W	Lancaster			

<i>Covered Restaurant No.</i>	<i>Address</i>	<i>City</i>	<i>Number of visits to store during the Class Period</i>	<i>Date(s) of visit(s)</i>	<i>Specific description of how your access was hindered at this store</i>
910	6960 Broadway	Lemon Grove			
2119	2600 Long Beach Blvd	Long Beach			
2399	5540 Cherry Ave	Long Beach			
5150	10931 Los Alamitos Blvd	Los Alamitos			
919	3520 Sepulveda Blvd	Los Angeles			
943	911 W Jefferson Blvd	Los Angeles			
1346	1453 W Manchester Ave	Los Angeles			
1417	12736 South Avalon Blvd	Los Angeles			
11490	4918 W Sunset Blvd	Los Angeles			
2671	525 Pacheco Blvd	Los Banos			
3459	2090 West Hwy 88	Martell			
975	175 W Calaveras Blvd	Milpitas			
2893	9710 Central Ave	Montclair			

<i>Covered Restaurant No.</i>	<i>Address</i>	<i>City</i>	<i>Number of visits to store during the Class Period</i>	<i>Date(s) of visit(s)</i>	<i>Specific description of how your access was hindered at this store</i>
10567	23125 Hemlock Ave	Moreno Valley			
2867	16025 Monterey Road	Morgan Hill			
780	815 Highland Ave	National City			
6947	34943 Newark Blvd	Newark			
1937	24530 Lyons Ave	Newhall			
6816	1666 2nd St	Norco			
13284	1541 E 12th St	Oakland			
817	1420 Mission Ave	Oceanside			
3587	3746 Mission Ave	Oceanside			
4088	227 S Tremont St	Oceanside			
3777	2734 N Tustin Ave	Orange			
896	4253 Mission Blvd	Pacific Beach			
16563	39519 10th Street West	Palmdale			

<i>Covered Restaurant No.</i>	<i>Address</i>	<i>City</i>	<i>Number of visits to store during the Class Period</i>	<i>Date(s) of visit(s)</i>	<i>Specific description of how your access was hindered at this store</i>
1038	8030 Van Nuys Blvd	Panorama City			
3157	211 N McDowell Blvd	Petaluma			
3217	1571 Fitzgerald Dr	Pinole			
2795	5315 Hopyard Rd	Pleasanton			
916	12427 Poway Rd	Poway			
3208	2055 Eureka Way	Redding			
912	1919 Artesia Blvd	Redondo Beach			
2521	139 N. China Lake Blvd	Ridgecrest			
1646	3630 Tyler St	Riverside			
3580	6125 Commerce Blvd	Rohnert Park			
2474	111 S Harding Blvd	Roseville			
835	3747 Rosecrans St	San Diego			
15079	San Francisco Int'l Airport, Terminal 3	San Francisco			

<i>Covered Restaurant No.</i>	<i>Address</i>	<i>City</i>	<i>Number of visits to store during the Class Period</i>	<i>Date(s) of visit(s)</i>	<i>Specific description of how your access was hindered at this store</i>
1572	385 S Kiely	San Jose			
1932	936 Blossom Hill Rd	San Jose			
2279	329 N Capitol Ave	San Jose			
3246	635 E Capitol Expressway	San Jose			
3546	261 Race St	San Jose			
3827	3098 Story Rd	San Jose			
6028	4040 Monterey Road	San Jose			
6755	2170 Monterey Rd	San Jose			
4641	728 W San Marcos Blvd	San Marcos			
1897	215 N Gaffey St	San Pedro			
3355	680 E San Ysidro Blvd	San Ysidro			
4552	601 E Dyer Rd	Santa Ana			
918	1919 Pico Blvd	Santa Monica			

<i>Covered Restaurant No.</i>	<i>Address</i>	<i>City</i>	<i>Number of visits to store during the Class Period</i>	<i>Date(s) of visit(s)</i>	<i>Specific description of how your access was hindered at this store</i>
2268	619 W Charter Way	Stockton			
2215	13421 Newport Ave	Tustin			
2563	711 E Perkins St	Ukiah			
3034	1801 Decoto Rd	Union City			
13580	377 Vista Village Dr	Vista			
733	8845 S. Painter St.	Whittier			
3441	455 N. Humboldt St.	Willows			
2022	601 Colusa Ave	Yuba City			

SETTLEMENT AGREEMENT

EXHIBIT F

Exhibit F, Filed Under Seal