



The First Year

Planning for the ADA

The Americans With Disabilities Act regulations are often considered a necessary evil. But by complying, forced or not, you open doors to less fortunate customers and send a message that you care.

by Kent Holloway



During the build out phase of creating your espresso concept, you may be surprised at the number of regulations with which to comply. Permits will likely need to be obtained from the building department, health department, planning department and public works. Specific permits will need to be obtained by you or your contractor for your state's electrical codes, energy codes, fire and plumbing codes, health, zoning, mechanical and building. Included in the building codes are a number of laws which may be new since you built your last espresso bar. They are called "ADA regulations."

What is ADA?

"ADA" is the Americans with Disabilities Act, which was enacted as Public Law 101-336 on July 26, 1990. A series of laws were passed over a two-year period. These are known as Title I, Title II and Title III. The laws are designed to "provide comprehensive civil rights protection to individuals with disabilities in areas of employment, public accommodations, state and local government services and telecommunications." The new legislation was hailed by, then, President Bush as the most important legislation of his administration and the most significant advancement of Americans since the Civil Rights Laws were passed. Many in the food service industry have simply found the laws to be the biggest headache since the invention of the traffic jam. I've heard some describe the ADA laws as perhaps the worst example of "meaningless, do-gooder legislation ever invented." However, to many disabled Americans, they have been a godsend, allowing them to move freely through their local business community. The intent of the laws is to insure that as much as is passable, individuals that have physical limitations are able to obtain equal employment, move freely through our public places and function in a safe manner.

I have a rather unique perspective on the subject that may be a balance of both sides of the issue. As an entrepreneur, I have built espresso bars before the enactment of ADA and after. I experienced the frustration of trying to build out retail facilities after ADA

was newly enacted and trying to determine, "What will meet the new ADA regulations and what won't." On the other hand, my oldest son was born with extremely severe Cerebral Palsy. He had to be moved about in a wheel chair whenever we left the house. In addition, my father-in-law had an industrial accident in 1988 and is paralyzed from the waist down. He is confined to a wheel chair.

Learning to Design ADA Facilities

Our concept is an upscale retail specialty coffee bar selling espresso drinks, drip coffee, whole bean coffee and pastries. The interior of our space is designed with a large mahogany back bar and serving bar, oak and marble floors, an arched wood ceiling and a number of brass accents throughout the shop. Our first bar was built before ADA went into effect. When I was designing the second and third bars, I was disappointed that I would be forced to lower the bar at the pay point to accommodate the ADA's 34-inch maximum height requirement. I felt that the lowered section would ruin the classic lines of my bar.

What I found after we opened was that *all* of the customers enjoyed the new, lower height. In addition to the height being legal and accessible to individuals in wheelchairs, it also brought the customer visually closer to the employee. A feature which is consistent with our "relationship-oriented" customer service. We began to make our rest rooms larger, added ADA-approved sinks and handrails as well as the prescribed "tactile" grade two Braille signage. I was concerned that upgrading to ADA regulations would be expensive and limit the aesthetic appeal of the store. It did neither. It forced me to be a little more creative and in the end, we learned to design ADA-approved facilities that were nicer for all our customers.

Total Access or Equal Access?

The hardest part of the process was discovering what we could and could not do during the planning stage. The local building officials have a wide range of latitude to interpret what the regulations actually mean. A perfect example is the term "equal access." Our original espresso bar has a raised platform that is about six inches by eight inches. It's just a little platform in the front corner of the store that is raised about 14 inches off the floor and holds about six chairs and three tables. I call it the "see and be seen" tables.

When we added our ninth store, we were building in an area where the local building officials wouldn't allow us to put in the raised platform. They ruled that the term "equal access" means "total access." "A wheel chair ought to be able to go anywhere in the space that anyone else can go." So, we designed and built an area in that store with a river rock fireplace and a small 32-inch high dividing wall to create a sense of space, all on the same level. It turned out very nice.

Several years later, we went back to the same area to build another store. Again we approached the same building department and designed a raised platform seating area. This time they decided that "equal access" meant "an equal opportunity for window seats

throughout the shop for all individuals." We have always provided this. It turns out that the first request to install a platform was denied because they thought we were going to have "live music." When they recognized with the second store that "spaces for wheelchair seating are distributed throughout" and that the platform is not used as a stage for live music, we were allowed to build the store to include the traditional platform design.

The National Institute on Disability and Rehabilitation Research has developed a checklist to help you evaluate your existing facility or one that you may be planning to build. The pamphlet is called, "The Checklist for Readily Achievable Barrier Removal." The organization's number is 800/949-4232. You can also check with your local building department for pamphlets that they may have on the subject.

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Please Note: Some pictures or diagrams are only available through the printed media.

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