



January 22, 2026

Mr. Brian Lynch
Bel Aire Elementary School
277 Karen Way
Tiburon, CA 94920

RE: *Bel Aire Elementary School
Tiburon, CA
AVELAR Project No. 2025.588*

Subject: *Preliminary Observations and Discussion*

Dear Mr. Lynch:

Bel Aire Elementary School is a public elementary school serving grades 3-5 and is located in Tiburon, CA. AVELAR was contacted by school staff to perform a site walk and provide our comments based on applicable laws. On December 5 and 19, 2025 AVLEAR attended site walks. We observed the current accessible features of the school, interviewed staff, and took photographs and notes of our observations. The report below documents which laws AVELAR understands are applicable, provides discussion on those laws, and then provides general comments on items which the district should consider.

BACKGROUND

Bel Aire Elementary is a multi-building school campus that was constructed prior to the implementation of the Americans with Disabilities Act in 1991. The campus was constructed on a hillside and the buildings step down the hill. Because of this, Bel Aire Elementary has made continuous renovations to provide accessible features to students attending the school. This includes, but is not limited to ramps, restroom renovations, an elevator installation, and procedure changes to meet the accessible needs of all students.

REQUIREMENTS

Public elementary schools are subject to both state and federal accessibility laws as follows:

590 YGNACIO VALLEY ROAD, SUITE 200 • WALNUT CREEK, CA 94596 • (925) 954-4978

MANAGING PARTNERS

Daniel C. Chekene, AIA
Joel Agnello, AIA
Timothy J. Stokes, GC

Joseph G. Garcia, AIA
Antony S. Mills, GC

SENIOR PARTNER

Lonnie Houghton, GC

PARTNERS

Gary M. Garcia, AIA
David M. Field, AIA
Eric Archuleta, AIA, GC
Andrew Trias, GC

Kathleen P. Caswell
Bill Weber, GC
Timothy Stauffer, SE
Victoria D. Chekene, GC

ARCHITECTS, ENGINEERS, & GENERAL CONTRACTORS

Kristin Andersen, AIA
Jack Canada, GC
George Emmett, GC

Timothy Fitzpatrick, GC
Michael Haller, C-39
Christopher Marrs, GC

Jeffrey Prose, AIA
Rachel Scott, GC
Stephen Thalín, PE

Evan Urton, PE
Rudy Vigil, GC

Richard M. Avelar, AIA, GC
FOUNDER

State Laws

The Unruh Civil Rights Act

This act prohibits public schools from discriminating against people with disabilities. Not allowing a person access to the programs at the school by not having accessible structures and components would be a violation of this act.

California Government Code Section 11135

This Code Section reiterates the need to provide accessible features at any “program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.” In addition, it directs that these activities and programs will conform to the Americans with Disabilities Act (see below).

California Building Code

Each constructed element of the school is governed by the Building Code under which it was originally built. The California Building Code is only enforced by local jurisdictions through plan review and inspection during construction. This is supplemented by state oversight of structural and accessibility laws by the Division of the State Architect (DSA). Prior to the required adoption of a state-wide building code in 1989, local jurisdictions had a considerable amount of freedom to adopt standards whenever they chose. Therefore, items constructed during this time could be governed by codes adopted a decade before. This precludes a local jurisdiction applying current code to an installation made 20 years ago. Therefore, while the current California Building Code mirrors the Americans With Disability Act standards, it can only be enforced where applied.

Given that the school has made continuous upgrades which are all subject to both state and local oversight, we conclude that all of the currently installed upgrades conform to the California Building Code which was in place at the time the upgrade was installed.

Federal Laws

Three major Federal Laws govern the accessible features and components of this school. They are the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the IDEA Act.

The Americans with Disabilities Act (ADA)

The ADA was passed in 1991 and updated in 2010. It covers Federal accessibility requirements for both public and private structures. The section relevant to an elementary school is Title II, which includes 28CFR part 35.151 and the 2004 ADAAG. Because Bel Aire Elementary was constructed prior to the enactment of the ADA, the following sections apply:

- (b)(1) Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered

portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

- (b)(2) The path of travel requirements of § 35.151(b)(4) shall apply only to alterations undertaken solely for purposes other than to meet the program accessibility requirements of § 35.150.
- (b)(4) An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

Both State and Federal laws provide recommended dimensions for certain components such as reach range, water closet height, and grab bar height. These dimensions may be problematic given the many variations that exist during childhood. It would be important for a school to understand the needs of specific children in order to be compliant

Section 504 of the Rehabilitation Act

The Rehabilitation Act was enacted in 1973 to recognize the right of people with disabilities to access government programs and services. The Parent's and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools published by the US Department of Education states that:

- School districts are required to ensure that students and others with disabilities, including parents, are not denied access to the school's programs or activities because of inaccessible facilities, including academic buildings, walkways, restrooms, athletic facilities, and parking spaces. The requirements public schools must meet to ensure programs and activities are accessible depends on the date a building (or facility) was built (constructed) or altered (changes made to a building that affect its use for accessibility purposes). 108
- Under Section 504, for facilities constructed prior to June 4, 1977, program access is required. ***In general terms, program access means that, although the facility or parts of the facility may not be physically accessible, the public school must still make its programs and activities available to students with disabilities. For example, if stairs lead to the upper floors of a school and the school does not have an elevator, ramp, or chair lift, and a student with a disability is unable to traverse the stairs, the student will be unable to reach the upper floors. A resolution to this problem could be moving classes that the student needs (or wants) to take from the upper floors to the accessible ground floor during the time period the student with a disability takes the class...*** However, when a public school is required to meet the accessibility requirements of a specific design standard, such as the 2010 ADA Standards, compliance with the standard alone may not be sufficient to meet an individual student's needs. When this occurs, the public school has an obligation to provide access for the student. For example, if the main entrance to the school has a ramp that meets all of the required accessibility standards, but a student who

attends the school and uses leg braces is unable to traverse the ramp, the school would need to find another way to ensure the student has access to its program and activities. One solution could be to allow the student to use the faculty entrance that has a flat entrance and a short walkway to the entrance door. (emphasis added)

The Rehabilitation Act recognizes that older buildings may not be able to meet the technical requirements of existing codes, therefore program alterations are an acceptable alternative to ensure that all services are accessible. In addition, the Rehabilitation Act ensures that schools take a student-by-student approach when making their programs accessible, so that minimum code requirements do not become a barrier themselves.

The Individuals with Disabilities Education Act (IDEA)

IDEA was passed in 1975 to ensure that free appropriate public education was available to all students with disabilities in the least restrictive environment. IDEA overlaps significantly with both ADA and the Rehabilitation Act, but does provide greater specificity in defining covered disabilities, programs, and procedures to provide an accessible program for a student with disabilities. It does this by requiring an Individualized Education Program (IEP) be developed by both educators and parents to identify the particular services a student requires.

Summary

State and Federal Laws work together to set minimum standards for accessibility for students attending public schools. However, younger students in lower grades require special attention due to the varying degrees of growth and assistance they require. Therefore, codes and standards expect that schools will communicate directly with students and parents to ensure that individual needs are met. While it is important that general accessibility standards be followed, it is vitally important that the schools communicate with parents and students to clarify individual needs so that they can be met.

SITE OBSERVATIONS AND COMMENTS

Based on the above, during our site visit we noted that the following assemblies of note and provide commentary and/or items the district should consider as necessary:

Site Parking

1. Accessible Parking spaces have been provided including a van space. An indication of the mandatory fine is required to be posted at these spaces. Given the slope of the site, the district should review the slopes of the parking spaces with parents who will park there to confirm the slope is sufficient for the students. As asphalt surfaces can deform over time, we it would be appropriate to review this on a yearly basis.
2. A loading zone exists for drop-off, where there is a curb cut for access to the adjacent sidewalk. There is also a curb cut at the entrance to the office. Both locations would benefit from a detectable warning for the visually impaired.

Circulation Routes

3. Door operation requires greater than 5lbs. of pressure at some locations. As part of the normal maintenance schedule of the school, the district should consider adjusting the doors to require less than 5 lbs. of pressure for opening.
4. Gaps of greater than ½” wide exist at some of the concrete flatwork locations. These locations can be filled to provide an even path of travel.
5. Trash cans were placed in a manner that obstructed the accessible route. The district should consider relocating them to provide the minimum width of an accessible route.
6. A stair lift has been installed but is no longer working. The district should consider that it either be repaired or a similar means of access is provided at this location.
7. Elevators have been installed in two of the buildings, providing. access to both levels of the buildings.
8. In the multi-purpose room, a lift has been installed to provide stage access. A sign has been posted stating that the area needs to remain clear.
9. Thresholds greater than ½” high have been equipped with sloped transitions. In the instances we observed, this was sufficient to provide a compliant transition. However, some of the transitions are wood and have begun to decay. The district should consider replacing them.
10. An accessible route to the track was difficult to identify. The district should consider posting signage to direct the user toward the accessible route.
11. Ramps have been installed throughout the school campus to provide access to all buildings. However, it appeared once in the office building, there was not an accessible route to the school counselor.

Restroom

12. Grab bars have been installed at all restrooms. The district should consider confirming that the height and location is sufficient for the use of incoming students who will use them.
13. Seat cover dispensers were within reach range.
14. Flush valves were installed on the open side of the toilet.
15. Sinks had knee and toe clearance and protected the user from contact with plumbing components.

16. The gap between the partition and floor allowed for turnaround by a wheelchair.

Classrooms (No photos of classrooms, as children were present)

17. Desks are not fixed and can be arranged to accommodate accessible needs.
18. Sinks are within reach range, but the district should consider confirming that soap dispenser locations are located within reach range of students who would need them.

Other

19. Accessible seating at lunch tables has been provided. This seating is fully integrated at the lunch tables.
20. Library does not have fixed seating and can be modified to meet the needs of students.
21. An emergency exit path has been provided. The district should consider reviewing this path with the student as part of the student's IEP.

Bel Aire Elementary has made continual and significant improvements to the school in an effort to provide an accessible environment for all students. As part of Bel Aire's commitment to providing an inclusive and welcoming environment, the district should consider walking through a typical day with any incoming students to ensure that their individual needs are met. These can be recorded and documented so that timely modifications can be made and no interruptions in the child's education will occur.

Please note, the above evaluation is preliminary in nature. Further field investigation and analysis may be required to determine the details of existing conditions, current and historical building performance, the extent and cause(s) of damage and potential deficiencies. This report outlines basic areas of concern reported by the Owners representatives and from our investigation. This report, including any recommendations, is based upon review of information provided, research and analysis, field observation and access to the site, and represents the opinion of the undersigned. It is possible, and in fact probable that unknown and/or hidden conditions may exist which would influence this report, its conclusions and recommendations. The opinions provided here should be considered preliminary in nature and may be subject to change upon receipt/review of additional information or any additional inspections that may be performed.

The undersigned must, therefore, expressly disclaim any liability to those who may rely upon this report in fashioning, performing or accepting remedial work without our active involvement during the preparation of remedial details and specifications, on-site inspection of the work progress, and acceptance of such work.

AVELAR and its employees have exercised the degree of skill and care expected and customarily accepted by good practice and procedures for design and construction professionals. No other warranties, expressed or implied, are made with respect to AVELAR'S performance, unless agreed

in writing. Use of portions of this report out of context, not fully assembled with exhibits and without original signature affixed shall not be the responsibility of AVELAR.

This preliminary report should not be misinterpreted as an exhaustive construction compliance review of construction deficiencies or an exhaustive review of existing conditions and building performance. AVELAR accepts no responsibility for conditions later discovered that were not either brought to their attention by the owner and/or their representatives or that were not discoverable given the context of our observation.

If you have any questions regarding the foregoing or the enclosed, please do not hesitate to contact our office.

Sincerely,
AVELAR

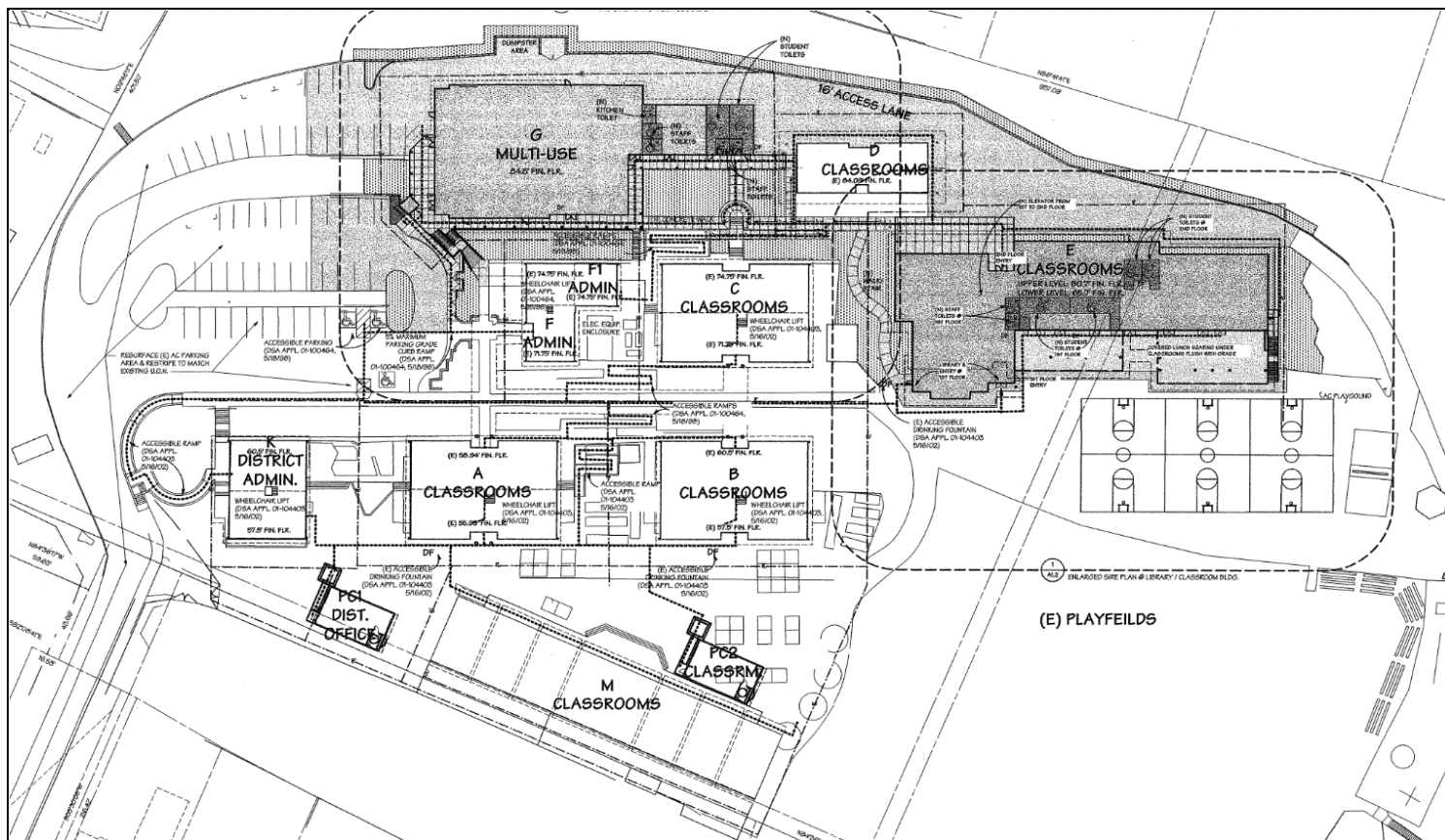
A handwritten signature in black ink, appearing to read 'D. Field', with a stylized flourish extending to the right.

David M. Field, AIA, CASp-915
Principal, Architect

Photographs



Bel Aire Elementary School, Tiburon CA



Site Plan of Bel Aire Elementary



Item 1 – Accessible parking spaces. Minimum fine signs are absent.



Item 2 – Loading area used for student drop off.



Item 2 – No detectable warning at curb cut.



Item 2 – No detectable warning at curb cut.



Item 3 - Door operation requires greater than 5 lbs. pressure.



Item 4 – Gaps greater than 1/2” at site flatwork.



Item 5 – Trash cans obstruct the accessible route.



Item 6 – Inoperable stair lift.



Item 7 – Elevators have been installed to provide access to 2nd story structures.



Item 8 – Lift installed in multipurpose room to provide stage access.



Item 9 – Some retrofitted thresholds have worn and require replacement.



Item 10 – An accessible route to the field was difficult to identify.



Item 11 – Ramps provide access throughout the school campus.



Item 11 – Ramps provide access throughout the school campus.



Item 12 – Grab bars have been installed at all bathrooms.



Item 13 – Toilet seat dispensers have been installed within reach range.



Item 14 – Flush valves located on open side of the water closet.



Item 15 – Sinks have knee and toe clearance and cover plumbing components.



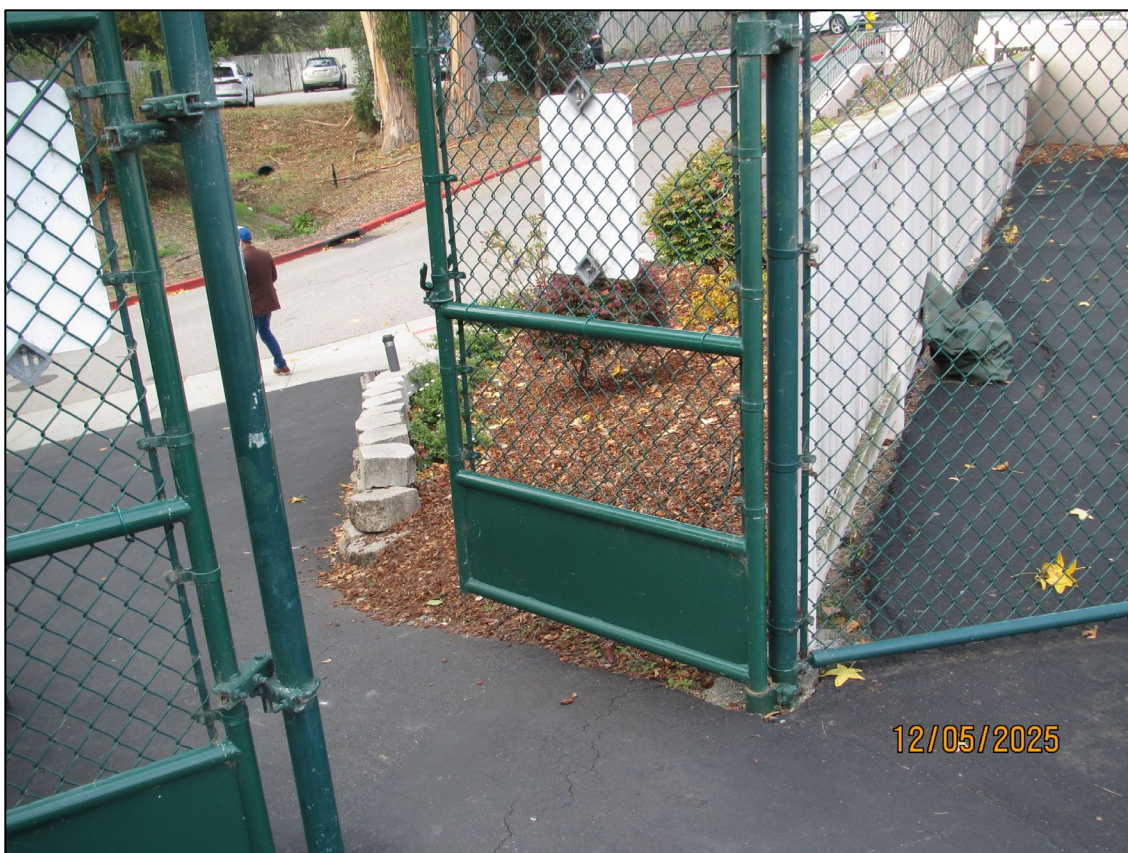
Item 16 – Partitions offer proper clearance for wheelchair turn around.



Item 19 – Accessible seating is provided at lunch tables.



Item 20 – Seating arrangements are not fixed down in the Library.



Item 21 – Emergency Access Route requires review with students.