

Site Accessibility Evaluation

Americans with Disabilities Act And Title 24 And Part 2 - California Building Code



CASp Evaluation
Inspection Date: 07/12/2024
Inspectors: Christie Medina, Karen Carlsen

Prepared By



Integrity and Common Sense at Work

(949) 932 - 0366

www.adacomplianceserv.com

Report Date: 07/18/2024

[REDACTED]

Re: [REDACTED]

Dear [REDACTED]

Thank you for the opportunity to be of service to you by performing an accessibility evaluation for the [REDACTED]

[REDACTED] The facility was inspected on 07/12/2024. The inspection included parking, exterior and interior routes, entrance to the restaurant, interior seating, service areas, and restrooms.

Location Description:

The property is a single-story restaurant and parking lot [REDACTED]

[REDACTED] The property features a single parking lot with three vehicular entrances and exits. An accessible route is available from the public way off [REDACTED]

[REDACTED] The parking lot has approximately 23 stalls, including two accessible stalls, one of which is van-accessible. Only one van-accessible stall is required. If the second accessible stall remains, it must have a 60-inch access aisle. Currently, the accessible stall on the left of the ramp lacks an access aisle due to the presence of a ramp. The slope of the ramp reaches up to 11%, which exceeds the allowable limit. There is sufficient space to elongate the ramp to achieve a slope of 5% or less (making it walkway rather than a ramp), thereby eliminating the need for landings or handrails and reducing the number of barriers.

The property has two restrooms: a single-user women's room (west restroom) and a multi-user men's room (south restroom). We recommend:

1. Keeping the women's restroom as-is and changing the signage to indicate it as a non-accessible, unisex single-user toilet room.
2. Removing barriers in the men's room and converting it into an accessible unisex single-user toilet room.

The conditions/barriers from the inspection include the following:

EXTERIOR PUBLIC USE AND COMMON USE AREAS

This report comprises our professional opinions and recommendations related to the specific Federal and California accessibility requirements that apply to the subject property. Please note that Martin Brothers Consulting Services' (MBCS) efforts in conducting this analysis have been limited to accessibility code research. This research has not been exhaustive in total or in part. We have not fully analyzed the design of the subject project or component parts, nor have we determined as-built construction to be in conformance with any set of plans or specifications, or governing codes other than the stipulated guidelines to this analysis.

The inspection team consisted of: Christie Medina and Karen Carlsen

If I can provide additional information regarding this analysis, please do not hesitate to contact me at 949-932-0366.

Sincerely,



Christie Medina, 1147

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Interior: Restrooms

Finding: 7 - Accessories - Clear Floor Space - Soap Dispenser

The soap dispenser is not accessible because there is not adequate clear floor space for either a forward or side approach.

The clear floor or ground space shall be 30 inches minimum by 48 inches minimum.

2010 ADAS Section 305.3

The clear floor or ground space shall be 30 inches (760 mm) minimum by 48 inches (1220 mm) minimum

2022 CBC 11B (7/1/2024) Section 11B-305.3

The clear floor or ground space shall be 30 inches (762 mm) minimum by 48 inches (1219 mm) minimum.

Citation:

2010 ADAS Section: 305.3

2022 CBC 11B (7/1/2024) Section: 11B-305.3

Budgeting Range:

\$50 - \$500.00

As Built:

The soap dispenser is mounted too high and is not within reach range because there is no clear floor space at the lavatory.

This occurs in the men's room.

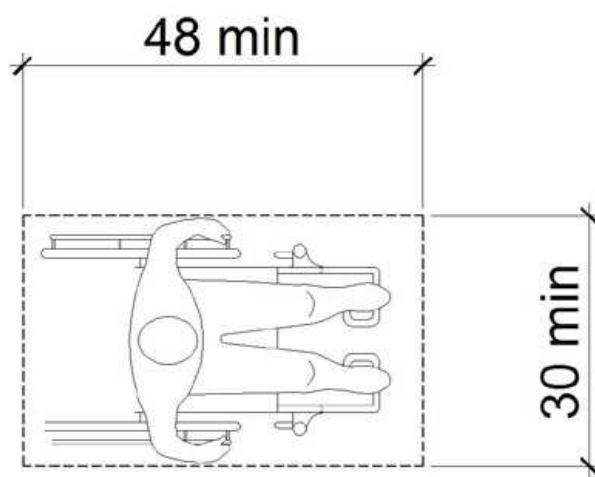
Recommendation:

Install dispensers at a location that provides a 30" x 48" clear space and is mounted at 40" maximum AFF to operable part.

Barrier Priority:

Important (2): Should be completed as soon as possible. (Includes; Findings that would remove barriers to the greatest number of people to your goods and services)

Finding: 7 *(Continued)*



Interior: Restrooms

Finding: 8 - Accessories - Height - Soap Dispenser

The soap dispenser's operation mechanism is too high off the floor.

Dispensers must have all operable parts a maximum of 48 inches above the floor.

2010 ADAS Section 308.2.1

Where a forward reach is unobstructed, the high forward reach shall be 48 inches (1220 mm) maximum and the low forward reach shall be 15 inches (380 mm) minimum above the finish floor or ground.

Citation:

2010 ADAS Section: 308.2.1

Budgeting Range:

\$0 - \$500.00

As Built:

The soap dispenser is mounted too high.

This occurs at:

Women's Room - 49.75" AFF

Recommendation:

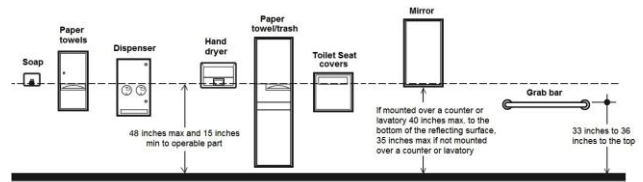
1st Recommendation: Install dispensers at a location that provides a 30" x 48" clear space and is mounted at 40" maximum AFF to operable part.

2nd Recommendation: Turn both restrooms into single user unisex restrooms and make the current men's restroom into the accessible restroom. Removal of wall and alcoves is necessary to create a compliant single user restroom. If this is completed, the west bathroom (current women's room) may remain as-is.

Barrier Priority:

Important (2): Should be completed as soon as possible. (Includes; Findings that would remove barriers to the greatest number of people to your goods and services)

Finding: 8 (Continued)



Finding: 8 Additional Finding Photos



Interior: Restrooms

Finding: 9 - Accessories - Toilet Paper Dispenser

The toilet paper is not installed within the compliant range in front of the toilet.

Toilet paper dispensers shall be 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. The outlet of the dispenser shall be 15 inches minimum and 48 inches maximum above the finish floor and shall not be located behind grab bars. Dispensers shall not be of a type that controls delivery or that does not allow continuous paper flow. There shall be a clearance of 1 1/2 inches minimum below the grab bar.

2010 ADAS Section 604.7

Toilet paper dispensers shall comply with 309.4 and shall be 7 inches (180 mm) minimum and 9 inches (230 mm) maximum in front of the water closet measured to the centerline of the dispenser. The outlet of the dispenser shall be 15 inches (380 mm) minimum and 48 inches (1220 mm) maximum above the finish floor and shall not be located behind grab bars. Dispensers shall not be of a type that controls delivery or that does not allow continuous paper flow.

Citation:

2010 ADAS Section: 604.7

Budgeting Range:

\$75 - \$1,000.00

As Built:

The centerline of the toilet paper dispenser is mounted too far from the front edge of the toilet.

This occurs at:

Women's Room - 12.5" from the front end of the toilet (front end of toilet is 30.5" from the back wall, centerline of toilet paper dispenser is 43" from the back wall)

Men's Room - 13.5" from the front end of the toilet (front end of toilet is 31" from the back wall, centerline of toilet paper dispenser is 44.5" from the back wall)

Recommendation:

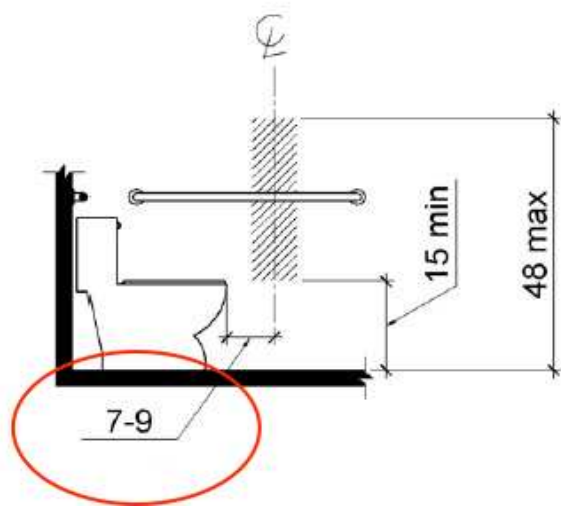
1st Recommendation: Relocate toilet paper dispenser to 7" - 9" beyond front of water closet to the centerline of the dispenser.

2nd Recommendation: Turn both restrooms into single user unisex restrooms and make the current men's restroom into the accessible restroom. Removal of wall and alcoves is necessary to create a compliant single user restroom. If this is completed, the west bathroom (current women's room) may remain as-is, however, this would still need to be made compliant in the south restroom (the current men's room).

Barrier Priority:

Important (2): Should be completed as soon as possible. (Includes; Findings that would remove barriers to the greatest number of people to your goods and services)

Finding: 9 (Continued)



Finding: 9 Additional Finding Photos



Finding: 9 Additional Finding Photos



Exterior: Parking

Finding: 37 - Access Aisle - Built-Up Ramp

The accessible parking stall's access aisle contains a built-up curb ramp which results in significant slopes greater than 2 percent.

Surface slopes of accessible parking spaces and access aisles shall be the minimum possible and shall not exceed one unit vertical in 50 units, horizontal (2-percent slope) in any direction.

2010 ADAS Section 502.4

Parking spaces and access aisles serving them shall comply with 302. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted.

2022 CBC 11B (7/1/2024) Section 11B-502.4

Parking spaces and access aisles serving them shall comply with Section 11B-302. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted.

Citation:

2010 ADAS Section: 502.4

2022 CBC 11B (7/1/2024) Section: 11B-502.4

Budgeting Range:

\$1,500 - \$4,500.00

As Built:

The accessible parking stall's access aisle contains a built-up curb ramp which results in significant slopes greater than 2 percent.

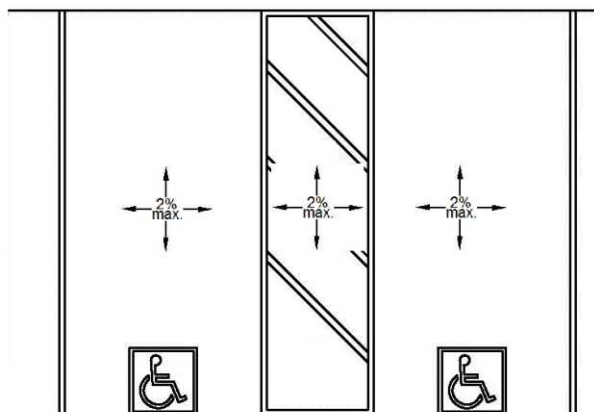
Recommendation:

Move the accessible stall over to provide a 108" wide stall and a 60" wide access aisle, away from the walkway up to the door.

Barrier Priority:

Important (2): Should be completed as soon as possible. (Includes; Findings that would remove barriers to the greatest number of people to your goods and services)

Finding: 37 (Continued)



Exterior: Parking

Finding: 38 - Access Aisle - NO PARKING Marking

The loading/unloading access aisle does not contain the words "NO PARKING" with a minimum of 12" white letters.

The words "NO PARKING" shall be painted on the ground within each loading and unloading access aisle. This notice shall be painted in white letters no less than 12 inches high and located so that it is visible to from the adjacent vehicular way.

2022 CBC 11B (7/1/2024) Section 11B-502.3.3

Access aisles shall be marked with a blue painted borderline around their perimeter. The area within the blue borderlines shall be marked with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall be painted on the surface within each access aisle in white letters a minimum of 12 inches (305 mm) in height and located to be visible from the adjacent vehicular way. Access aisle markings may extend beyond the minimum required length.

Citation:

2022 CBC 11B (7/1/2024) Section: 11B-502.3.3

Budgeting Range:

\$150 - \$1,000.00

As Built:

The "NO PARKING" marking is missing at the back of the access aisle.

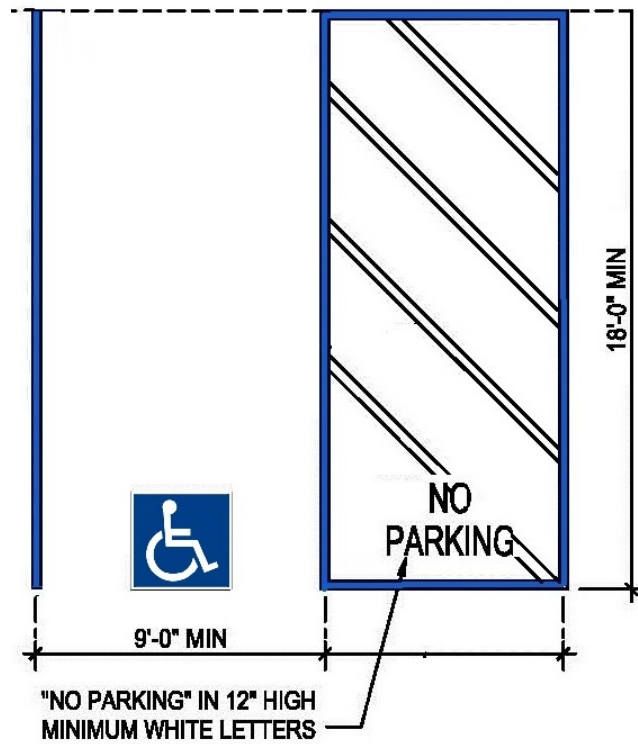
Recommendation:

Provide "NO PARKING" marking in the access aisle. Provide the marking in 12" high letters and verify that it is visible from the vehicular way.

Barrier Priority:

Important (2): Should be completed as soon as possible. (Includes; Findings that would remove barriers to the greatest number of people to your goods and services)

Finding: 38 *(Continued)*



Exterior: Parking

Finding: 39 - Parking Stall - Abrupt Edges

The parking stall contains abrupt edges and surface irregularities over a 1/4 inch vertical.

Parking spaces and access aisles serving them shall be stable, firm, and slip resistant. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted and shall not be sloped steeper than 2% in any direction.

2010 ADAS Section 502.4

Parking spaces and access aisles serving them shall comply with 302. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted.

2022 CBC 11B (7/1/2024) Section 11B-502.4

Parking spaces and access aisles serving them shall comply with Section 11B-302. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted.

Citation:

2010 ADAS Section: 502.4

2022 CBC 11B (7/1/2024) Section: 11B-502.4

Budgeting Range:

\$1,500 - \$6,500.00

As Built:

The accessible parking signs are mounted on a pole that is mounted in the accessible parking stall. The pole mountings are creating abrupt changes in level in both accessible parking stalls.

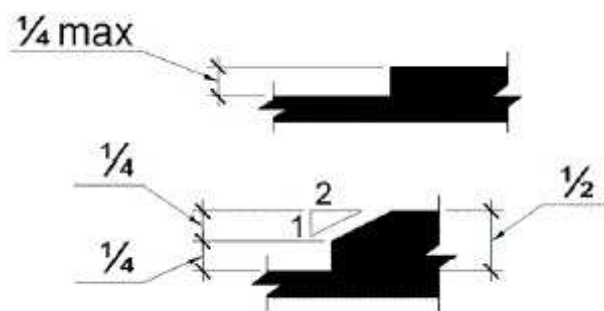
Recommendation:

Remove the signpost from the parking stall and mount it on the wall in front of the accessible parking stall.

Barrier Priority:

Important (2): Should be completed as soon as possible. (Includes; Findings that would remove barriers to the greatest number of people to your goods and services)

Finding: 39 (Continued)



Finding: 39 Additional Finding Photos



Exterior: Parking

Finding: 40 - Parking Stall - Slope

The cross slopes (narrow dimension) and/or running slopes (long dimension) of the accessible stall exceeds 2%.

The running slope and the cross slope in an accessible parking stall and the access aisle must not exceed 2%.

2010 ADAS Section 502.4

Parking spaces and access aisles serving them shall comply with 302. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted.

2022 CBC 11B (7/1/2024) Section 11B-502.4

Parking spaces and access aisles serving them shall comply with Section 11B-302. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted.

Citation:

2010 ADAS Section: 502.4

2022 CBC 11B (7/1/2024) Section: 11B-502.4

Budgeting Range:

\$2,500 - \$6,500.00

As Built:

The left parking stall is sloped up to 3%.

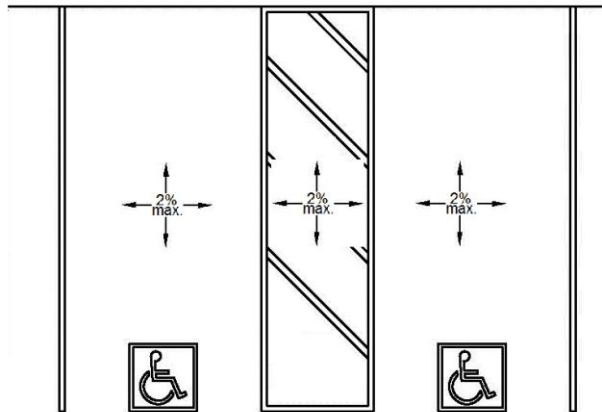
Recommendation:

Provide accessible parking spaces and access aisles that have slopes that are less than 1:48 (2.083%) in all directions.

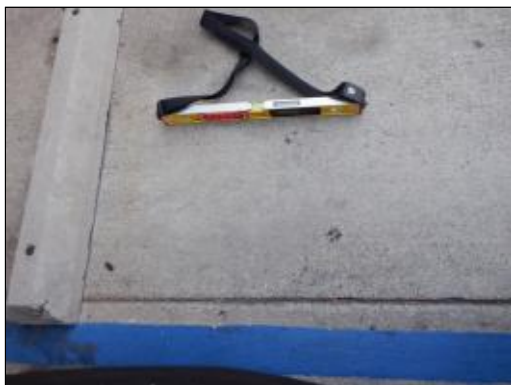
Barrier Priority:

Important (2): Should be completed as soon as possible. (Includes; Findings that would remove barriers to the greatest number of people to your goods and services)

Finding: 40 (Continued)



Finding: 40 Additional Finding Photos



Exterior: Parking

Finding: 41 - Tow-Away Sign - Not Filled In

The blank spaces of the tow-away sign have not been filled in.

There must be a tow-away sign posted in a conspicuous place at each entrance, or immediately adjacent to each space. The sign shall not be less than 17 inches by 22 inches in size with 1 inch high minimum lettering which clearly and conspicuously states the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at owner's expense.

Towed vehicles may be reclaimed at _____ or by telephoning _____.

Blank spaces are to be filled in with appropriate information as a permanent part of the sign.

2022 CBC 11B (7/1/2024) Section 11B-502.8.2

The additional sign shall clearly state in letters with a minimum height of 1 inch (25 mm) the following: "Unauthorized" vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at: or by telephoning-----Blank spaces shall be filled in with appropriate information as a permanent part of the sign.

Citation:

2022 CBC 11B (7/1/2024) Section: 11B-502.8.2

Budgeting Range:

\$25 - \$150.00

As Built:

The tow-away signs that are provided do not have the name of the reclaim site.

Recommendation:

Fill in the tow-away sign with the appropriate information.

Barrier Priority:

Moderate (3): Should be completed as soon as possible, but there may be other items that will provide greater access to persons with disabilities. (Includes; Findings that have a high financial impact on the entity in relationship to the degree of access provided)

Finding: 41 (Continued)



Finding: 41 Additional Finding Photos



NOTICE TO PRIVATE PROPERTY OWNER/TENANT:

YOU ARE ADVISED TO KEEP IN YOUR RECORDS ANY WRITTEN INSPECTION REPORT AND ANY OTHER DOCUMENTATION CONCERNING YOUR PROPERTY SITE THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS SPECIALIST. IF YOU BECOME A DEFENDANT IN A LAWSUIT THAT INCLUDES A CLAIM CONCERNING A SITE INSPECTED BY A CERTIFIED ACCESS SPECIALIST, YOU MAY BE ENTITLED TO A STAY (TEMPORARY STOPPAGE) OF THE CLAIM AND AN EARLY EVALUATION CONFERENCE. IN ORDER TO REQUEST THE STAY AND EARLY EVALUATION CONFERENCE, YOU WILL NEED TO VERIFY THAT A CERTIFIED ACCESS SPECIALIST HAS INSPECTED THE SITE THAT IS THE SUBJECT OF THE CLAIM. YOU WILL ALSO BE REQUIRED TO PROVIDE THE COURT AND THE PLAINTIFF WITH THE COPY OF A WRITTEN INSPECTION REPORT BY THE CERTIFIED ACCESS SPECIALIST, AS SET FORTH IN CIVIL CODE SECTION 55.54. THE APPLICATION FORM AND INFORMATION ON HOW TO REQUEST A STAY AND EARLY EVALUATION CONFERENCE MAY BE OBTAINED AT <http://www.courtinfo.ca.gov/selfhelp>. YOU ARE ENTITLED TO REQUEST, FROM A CERTIFIED ACCESS SPECIALIST WHO HAS CONDUCTED AN INSPECTION OF YOUR PROPERTY, A WRITTEN INSPECTION REPORT AND OTHER DOCUMENTATION AS SET FORTH IN CIVIL CODE SECTION 55.53. YOU ARE ALSO ENTITLED TO REQUEST THE ISSUANCE OF A DISABILITY ACCESS INSPECTION CERTIFICATE, WHICH YOU MAY POST ON YOUR PROPERTY.

This report has been issued in compliance with California Civil Code Section 55.53 and does NOT comply with all applicable construction related accessibility standards. A "Inspected by a CASp" classification has been determined as defined in California Civil Code Section 55.52 (a) 5. A reasonable time frame for completing items noted in this report will be determined by the property owner, tenant, or both and provided to MBCS to be incorporated into an updated document.

Prepared by: Christie Medina, 1147

Inspection Certificate #: 1147

This document is valid only if wet signed by the preparer



Christie Medina, MBCS

Date: 07/12/2024



Expanding Your Market



More than fifty million Americans with disabilities make up a huge, nearly untapped market for businesses of all types and sizes. To help businesses welcome customers with disabilities, the IRS offers two tax incentives to remove access barriers.

For more information about these tax incentives and the ADA, call the Department of Justice ADA Information Line at:
800-514-0301 (voice)
800-514-0383 (TTY)
or visit the *ADA Business Connection* at:
www.ada.gov.

Tax Incentives for Businesses

Businesses can take advantage of two Federal tax incentives available to help cover costs of making access improvements for customers with disabilities:

- **A tax credit for small businesses** who remove access barriers from their facilities, provide accessible services, or take other steps to improve accessibility for customers with disabilities
- **A tax deduction for businesses of all sizes** that remove access barriers in their facilities or vehicles

A business that annually incurs eligible expenses to bring itself into compliance with the ADA may use these tax incentives every year. The incentives may be applied to a variety of expenditures; however, they may not be applied to the costs of new construction. All barrier removal must comply with applicable Federal accessibility standards.

Tax Credit

Small businesses with 30 or fewer employees or total revenues of \$1 million or less can use the Disabled Access Credit (Internal Revenue Code, Section 44). Eligible small businesses may take a credit of up to \$5,000 (half of eligible expenses up to \$10,250, with no credit for the first \$250) to offset their costs for access, including barrier removal from their facilities (e.g., widening a doorway, installing a ramp), provision of accessibility services (e.g., sign language interpreters), provision of printed material in alternate formats (e.g., large-print, audio, Braille), and provision or modification of equipment.

Tax Deduction

Businesses of all sizes may take advantage of this tax deduction. Under Internal Revenue Code, Section 190, businesses can take a business expense deduction of up to \$15,000 per year for costs of removing barriers in facilities or vehicles.

Tax Incentives in Combination

These two incentives can be used together by eligible businesses if the expenditures qualify under both Sections 44 and 190. If a small business' expenses exceed \$10,250 for the maximum \$5,000 tax credit, then the deduction equals the difference between the total spent and the amount of the credit claimed.

Tax Incentives Forms and Publications

Visit the Internal Revenue Service website at www.irs.gov or call 800-829-3676 (voice); 800-829-4059 (TTY) to order the necessary business forms and publications:
Form 8826 (Disabled Access Credit)
and **Publication 535 "Business Expenses"** (tax deduction).

November 2005

Common Questions: Readily Achievable Barrier Removal

The ADA requires companies providing goods and services to the public to take certain limited steps to improve access to existing places of business. This mandate includes the obligation to remove barriers from existing buildings when it is readily achievable to do so. Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.

Many building features that are common in older facilities such as narrow doors, a step or a round door knob at an entrance door, or a crowded check-out or store aisle are barriers to access by people with disabilities. Removing barriers by ramping a curb, widening an entrance door, installing visual alarms, or designating an accessible parking space is often essential to ensure equal opportunity for people with disabilities. Because removing these and other common barriers can be simple and inexpensive in some cases and difficult and costly in others, the regulations for the ADA provide a flexible approach to compliance. This practical approach requires that barriers be removed in existing facilities only when it is readily achievable to do so. The ADA does not require existing buildings to meet the ADA's standards for newly constructed facilities.

The ADA states that individuals with disabilities may not be denied the full and equal enjoyment of the "goods, services, facilities, privileges, advantages, or accommodations" that the business provides -- in other words, whatever type of good or service a business provides to its customers or clients. A business or other private entity that serves the public must ensure equal opportunity for people with disabilities. In the following section, the US Department of Justice answers some of the most commonly asked questions about the barrier removal requirement and how it differs from those requirements that apply to new construction and alteration of buildings.

I own three buildings, two of which were designed and constructed prior to the enactment of the ADA. I have been told I have to make them all accessible. Is this true? Does the ADA require me to make them all accessible?

The ADA establishes different requirements for existing facilities and new construction. In existing facilities where retrofitting may be expensive, the requirement to provide access through barrier removal is less than it is in new construction where accessibility can be incorporated in the initial stages of design and construction without a significant increase in cost. The requirement to remove barriers in existing buildings applies only to a private entity that owns, leases, leases to or operates a "place of public accommodation." Further, barriers must be removed only where it is "readily achievable" to do so. Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.

Common Questions: Readily Achievable Barrier Removal

Is my business required to remove barriers?

If your business provides goods and services to the public, you are required to remove barriers if doing so is readily achievable. Such a business is called a public accommodation because it serves the public. If your business is not open to the public but is only a place of employment like a warehouse, manufacturing facility or office building, then there is no requirement to remove barriers. Such a facility is called a commercial facility. While the operator of a commercial facility is not required to remove barriers, you must comply with the ADA Standards for Accessible Design when you alter, renovate or expand your facility.

What is a "place of public accommodation"?

A place of public accommodation is a facility whose operations affect commerce and fall within at least one of the following 12 categories set out in the ADA:

- 1. Places of lodging (e.g., inns, hotels, motels) (except for owner occupied establishments renting fewer than six rooms);*
- 2. Establishments serving food or drink (e.g., restaurants and bars);*
- 3. Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums);*
- 4. Places of public gathering (e.g., auditoriums, convention centers, lecture halls);*
- 5. Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers);*
- 6. Service establishments (e.g., Laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals);*
- 7. Public transportation terminals, depots, or stations (not including facilities relating to air transportation);*
- 8. Places of public display or collection (e.g., museums, libraries, galleries);*
- 9. Places of recreation (e.g., parks, zoos, amusement parks);*
- 10. Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools);*
- 11. Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and*
- 12. Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).*

Common Questions: Readily Achievable Barrier Removal

I operate a restaurant that opened in 1991. The city required that the restaurant comply with the local accessibility code. Is the restaurant "grandfathered" and not required to remove barriers as required by the ADA?

No. A restaurant is a public accommodation and a place of public accommodation must remove barriers when it is readily achievable to do so. Although the facility may be "grandfathered" according to the local building code, the ADA does not have a provision to "grandfather" a facility. While a local building authority may not require any modifications to bring a building "up to code" until a renovation or major alteration is done, the ADA requires that a place of public accommodation remove barriers that are readily achievable even when no alterations or renovations are planned.

Do I, as the owner, have to pay for removing barriers?

Yes, but tenants and management companies also have an obligation. Any private entity who owns, leases, leases to, or operates a place of public accommodation shares in the obligation to remove barriers.

If I do remove barriers, is my business entitled to any tax benefit to help pay for the cost of compliance?

As amended in 1990, the Internal Revenue Code allows a deduction of up to \$15,000 per year for expenses associated with the removal of qualified architectural and transportation barriers (Section 190). The 1990 amendment also permits eligible small businesses to receive a tax credit (Section 44) for certain costs of compliance with the ADA. An eligible small business is one whose gross receipts do not exceed \$1,000,000 or whose workforce does not consist of more than 30 full-time workers. Qualifying businesses may claim a credit of up to 50 percent of eligible access expenditures that exceed \$250 but do not exceed \$10,250. Examples of eligible access expenditures include the necessary and reasonable costs of removing architectural, physical, communications, and transportation barriers; providing readers, interpreters, and other auxiliary aids; and acquiring or modifying equipment or devices.

Common Questions: Readily Achievable Barrier Removal

How do I determine what is readily achievable?

"Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense. Determining if barrier removal is readily achievable is, by necessity, a case-by-case judgment. Factors to consider include:

- 1. The nature and cost of the action;*
- 2. The overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site;*
- 3. The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;*
- 4. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and*
- 5. If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity. If the public accommodation is a facility that is owned or operated by a parent entity that conducts operations at many different sites, you must consider the resources of both the local facility and the parent entity to determine if removal of a particular barrier is "readily achievable." The administrative and fiscal relationship between the local facility and the parent entity must also be considered in evaluating what resources are available for any particular act of barrier removal.*

Can you tell me what barriers it will be "readily achievable" to remove?

The Department's regulation contains a list of 21 examples of modifications that may be readily achievable. These include installing ramps, making curb cuts in sidewalks and at entrances, repositioning telephones, adding raised markings on elevator control buttons, installing visual alarms, widening doors, installing offset hinges to widen doorways, insulating lavatory pipes under sinks, repositioning a paper towel dispenser, installing a full-length mirror, rearranging toilet partitions to increase maneuvering space or installing an accessible toilet stall. The list is not exhaustive and is only intended to be illustrative. Each of these modifications will be readily achievable in many instances, but not in all. Whether or not any of these measures is readily achievable will have to be determined on a case-by-case basis in light of the nature and cost of the barrier removal and the resources available.

Common Questions: Readily Achievable Barrier Removal

Does the ADA permit me to consider the effect of a modification on the operation on my business?

Yes. The ADA permits consideration of factors other than the initial cost of the physical removal of a barrier.

ILLUSTRATION: CDE convenience store determines that it would be inexpensive to remove shelves to provide access to wheelchair users throughout the store. However, this change would result in a significant loss of selling space that would have an adverse effect on its business. In this case, the removal of all the shelves is not readily achievable and, thus, is not required by the ADA. However, it may be readily achievable to remove some shelves.

If an area of my store is reachable only by a flight of steps, would I be required to add an elevator?

Usually no. A public accommodation generally would not be required to remove a barrier to physical access posed by a flight of steps, if removal would require extensive ramping or an elevator. The readily achievable standard does not require barrier removal that requires burdensome expense. Thus, where it is not readily achievable to do so, the ADA would not require a public accommodation to provide access to an area reachable only by a flight of stairs.

I have a portable ramp that we use for deliveries - can't I just use that?

Yes, you could, but only if the installation of a permanent ramp is not readily achievable. In order to promote safety, a portable ramp should have railings, a firm, stable, nonslip surface and the slope should not exceed one to twelve (one unit of rise for every twelve units horizontal distance). It should also be properly secured and staff should be trained in its safe use.

Common Questions: Readily Achievable Barrier Removal

Because one of my buildings is very inaccessible, I don't know what to fix first. Is guidance available?

Yes. The Department recommends priorities for removing barriers in existing facilities because you may not have sufficient resources to remove all existing barriers at one time. These priorities are not mandatory. You are free to exercise discretion in determining the most effective "mix" of barrier removal measures for your facilities. The **first priority** is enabling individuals with disabilities to enter the facility. This priority on "getting through the door" recognizes that providing physical access to a facility from public sidewalks, public transportation, or parking is generally preferable to any alternative arrangements in terms of both business efficiency and the dignity of individuals with disabilities. The **second priority** is providing access to those areas where goods and services are made available to the public. For example, in a hardware store these areas would include the front desk and the retail display areas of the store. The **third priority** is providing access to restrooms (if restrooms are provided for use by customers or clients). The **fourth priority** is removing any remaining barriers, for example, lowering telephones.

What about my employee areas? Must I remove barriers in areas used only by employees?

No. The "readily achievable" obligation to remove barriers in existing facilities does not extend to areas of a facility that are used exclusively by employees. Of course, it may be necessary to remove barriers in response to a request for "reasonable accommodation" by a qualified employee or applicant as required by Title I of the ADA. For more information, contact the Equal Employment Opportunity Commission (EEOC) which enforces Title I of the ADA.

How can a public accommodation decide what needs to be done?

One effective approach is to conduct a "self-evaluation" of the facility to identify existing barriers. While not required by the ADA, a serious effort at self-assessment and consultation can save resources by identifying the most efficient means of providing required access and can diminish the threat of litigation. It serves as evidence of a good faith effort to comply with the barrier removal requirements of the ADA. This process should include consultation with individuals with disabilities or with organizations representing them and procedures for annual reevaluations.

Common Questions: Readily Achievable Barrier Removal

If a public accommodation determines that its facilities have barriers that should be removed, but it is not readily achievable to undertake all of the modifications now, what should it do?

The Department recommends that a public accommodation develop an implementation plan designed to achieve compliance with the ADA's barrier removal requirements. Such a plan, if appropriately designed and executed, could serve as evidence of a good faith effort to comply with the ADA's barrier removal requirements.

What if I'm not able to remove barriers at this time due to my financial situation? Does that mean I'm relieved of current responsibilities?

No, when you can demonstrate that the removal of barriers is not readily achievable, you must make your goods and services available through alternative methods, if undertaking such methods is readily achievable. Examples of alternative methods include having clerks retrieve merchandise located on inaccessible shelves or delivering goods or services to the customers at curbside or in their homes. Of course, the obligation to remove barriers when readily achievable is a continuing one. Over time, barrier removal that initially was not readily achievable may later become so because of your changed circumstances.

If the obligation is continuing, do you mean there are no limits on what I must do to remove barriers?

No. There are limits. In removing barriers, a public accommodation does not have to exceed the level of access required under the alterations provisions contained in the Standards (or the new construction provision where the Standards do not provide specific provisions for alterations).

ILLUSTRATION 1: An office building that houses places of public accommodation is removing barriers in public areas. The alterations provisions of the Standards explicitly state that areas of rescue assistance are not required in buildings that are being altered. Because barrier removal is not required to exceed the alterations standard, the building owner need not establish areas of rescue assistance.

ILLUSTRATION 2: A grocery store has more than 5000 square feet of selling space and prior to the ADA had six inaccessible check-out aisles. Because the Standards do not contain specific provisions applicable to the alteration of check-out aisles one must look to the new construction provisions of the Standards for the upper limit of the barrier removal obligation. These provisions require only two of the six check-out aisles to be accessible. Because the store found it readily achievable in 1993 and 1994 to remove barriers and make two of check-out aisles accessible, the store has fulfilled its obligation and is not required to make more checkout aisles accessible.

Common Questions: Readily Achievable Barrier Removal

What is the difference between barrier removal and alterations? Aren't they both very similar?

Not really. Under the ADA, barrier removal is done by a place of public accommodation to remove specific barriers that limit or prevent people with disabilities from obtaining access to the goods and services offered to the public. This is an ongoing obligation for the business that has limits determined by resources, size of the company and other factors. An alteration is replacement, renovation or addition to an element or space of a facility. Generally alterations are done to improve the function of the business, to accommodate a change or growth in services, or as part of a general renovation. The requirements for alterations are greater than those for barrier removal because the alteration is part of a larger construction or replacement effort.

One of the buildings that I own is a small factory with offices. Do I have to make that accessible?

No, commercial facilities such as factories, warehouses, and office buildings that do not contain places of public accommodation are considered "commercial facilities" and are not required to remove barriers in existing facilities. They are, however, covered by the ADA's requirements for accessible design in new construction or alterations.

Estimated Time-Line for Finding Removal

(Please complete and return page/s to be inserted in report)

Interior: Restrooms

Est. Remediation Date

Finding 1	A clear floor space is not beyond the arc of the door swing.	____/____/____
Finding 2	The door is equipped with spring hinges and returns to a closed	____/____/____
Finding 3	The door/gate operating hardware is not accessible.	____/____/____
Finding 4	The maneuvering clearance on the pull side of the door is not	____/____/____
Finding 5	The maneuvering clearance on the pull side of the door extends	____/____/____
Finding 6	The room is missing a privacy latch on the door. Doors to	____/____/____
Finding 7	The soap dispenser is not accessible because there is not	____/____/____
Finding 8	The soap dispenser's operation mechanism is too high off the	____/____/____
Finding 9	The toilet paper is not installed within the compliant range in	____/____/____
Finding 10	The grab bar is not correctly spaced from the wall or partition.	____/____/____
Finding 11	The toilet seat cover dispenser is mounted too close to the top	____/____/____
Finding 12	The rear grab bar does not extend adequately past the toilet on	____/____/____
Finding 13	The side grab bar does not extend far enough from the rear wall.	____/____/____
Finding 14	The lavatory is confined on three sides and is considered to be	____/____/____
Finding 15	Knee clearance at 27 inches off the floor is not 8 inches	____/____/____
Finding 16	The element projects more than 4 inches into the circulation	____/____/____
Finding 17	The clear floor space between the lavatory and the toilet is too	____/____/____
Finding 18	The width of the toilet room is too narrow. Where a water	____/____/____
Finding 19	The toilet is not located within the range allowed from the side	____/____/____
Finding 20	The compartment door is not self-closing. The water closet	____/____/____
Finding 21	The water closet compartment is missing a loop handle on the one	____/____/____
Finding 22	The opening hardware exceeds maximum height requirements.	____/____/____
Finding 23	The accessible toilet compartment does not provide proper toe	____/____/____

Estimated Time-Line for Finding Removal

(Please complete and return page/s to be inserted in report)

Finding 24 The unisex geometric sign for the room is missing. A combined

____/____/____

Interior: Dining/Service

Est. Remediation Date

Finding 25 The element is not accessible because it is located over an

____/____/____

Finding 26 The tactile EXIT sign is missing at the door. Wall signs

____/____/____

Finding 27 There is no International Symbol of Accessibility at this

____/____/____

Finding 28 The door is equipped with a door closer and returns to a closed

____/____/____

Finding 29 The maneuvering clearance on the pull side of the exterior door

____/____/____

Exterior: Ramp

Est. Remediation Date

Finding 30 The ramps exceeds the maximum running slope (direction of

____/____/____

Finding 31 The required edge protection is missing from the ramp run and/or

____/____/____

Finding 32 The top landing of the ramp does not meet minimum size

____/____/____

Finding 33 The ramp run contains changes in level. Floor and ground

____/____/____

Finding 34 The ramp does not have compliant handrails. Handrails are

____/____/____

Exterior: Parking

Est. Remediation Date

Finding 35 The access aisle contains abrupt edges and surface

____/____/____

Finding 36 The access aisle is not outlined with a blue border. Although

____/____/____

Finding 37 The accessible parking stall's access aisle contains a built-up

____/____/____

Finding 38 The loading/unloading access aisle does not contain the words

____/____/____

Finding 39 The parking stall contains abrupt edges and surface

____/____/____

Finding 40 The cross slopes (narrow dimension) and/or running slopes (long

____/____/____

Finding 41 The blank spaces of the tow-away sign have not been filled in.

____/____/____

Estimated Time-Line for Finding Removal

(Please complete and return page/s to be inserted in report)

Completed By:

Print Name: _____

Title: _____

Phone: _____

Date: _____

Please Mail to:
MBCS
926 Azalea Dr
South Coast Metro, CA 92626