

# Site Accessibility Evaluation

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



## Fallbrook Public Utility District

990 E. Mission Road  
Fallbrook, CA 92028

Exterior Parking Lot Only

*Inspection Date: 10/07/2019 Inspector: Craig Lobnow*

*for:*

**ADA Compliance Team, Inc.**  
Office: (760) 940-6106  
[www.adacomplianceteam.com](http://www.adacomplianceteam.com)

Prepared By



(833) 776 - 2277  
ProCASP.com

Mr. Craig Thomson  
ADA Compliance Team, Inc.  
2041 Riviera Drive  
Vista, CA, 92084  
10/07/2019

Dear Craig,

Thank you for the opportunity to be of service to you by performing an accessibility evaluation for the Fallbrook Public Utility District located at 990 E. Mission Road Fallbrook, CA 92028. The facility was inspected on 10/07/2019.

The ADA applies to this property because it is a public accommodation as defined in the Department of Justice's regulations implementing title III. 28 C.F.R. §36.104. Title III of the ADA requires that, as a place of public accommodation, the property owner is required to remove architectural barriers in existing facilities where such removal is readily achievable. 28 C.F.R. §36.304(a). Title III of the ADA requires that, as a place of public accommodation, the property owner should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. 28 C.F.R. 36.304(c)(2). Title III of the ADA also requires that, as a place of public accommodation, the property owner should take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation. 28 C.F.R. §36.304(c)(4).

In the event that the property owner can demonstrate that barrier removal is not readily achievable, he must make his goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable. 28 C.F.R. §36.305(a). The term readily achievable has been defined as "easily accomplishable and able to be carried out without much difficulty or expense".

The Department of Justice states that a place of public accommodation shall remove barriers that are readily achievable even when no alterations or renovations are planned. The Department of Justice recommends that a public accommodation develop an implementation plan designed to achieve compliance with ADA 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 barrier removal requirements.

We recommended that all barriers that are identified in this evaluation that are readily achievable, be removed as soon as possible with other barriers being removed as they become readily achievable. A barrier removal plan should be developed to assist in planning the removal of all barriers that are not currently "readily achievable" to remove. In order to be eligible for Qualified Defendant status under California Civil Code Section 55.52(a)(8) and receive the benefits of Senate Bill 1608 & 1186, you must submit to ProCASP a schedule of completion for each of the barriers identified in this report within a reasonable time frame as determined by you.

Please note that no readily achievable analysis was included as a part this report. In addition, as a complete history of construction including all alterations or additions was not available, this report is based on compliance with the most recent state and federal requirements.

Periodic maintenance to ensure continued accessibility is essential in providing a safe and usable environment. Parking lot markings, signage, door opening pressures, and maintaining clear floor space at doors and other elements and fixtures, available to the public, must be part of an ongoing maintenance schedule.

If you have any questions regarding this report or would like to schedule a meeting with myself and your architect, attorney, or contractor, please feel free to contact me. Additional services are available such as on construction monitoring, plan review, ownership representation and verification of completed work prior to owner acceptance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Lobnow', with a stylized flourish extending from the end.

Craig Lobnow, CASp #634

***Table of Contents***

---

**Findings** ..... 5

**Parking & Exterior** ..... 5

**DOJ ADA Tax Incentives for Businesses** ..... 20

**Common Questions: Readily Achievable Barrier Removal** ..... 21

**Estimated Time-Line for Barrier Removal** ..... 29

## Parking & Exterior

### Finding: 1

The tow-away sign is incorrectly worded. Look for the words "Special" and "Will".

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.

2016 CBC 11B (7/1/18) 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:

2016 CBC 11B (7/1/18) Section: 11B-502.8.2



## Parking & Exterior

### Finding: 2

The term "handicapped" has been considered by the State of California as derogatory and should not be used. In this case the word could be removed and the sign would have the same meaning because the International Symbol of Accessibility (ISA) is included on the sign. When necessary use disabled or accessible to describe a feature or person.

A disability is a condition caused by an accident, trauma, genetics or disease which may limit a person's mobility, hearing, vision, speech or mental function. Some people have more than one disability.

A handicap is physical or attitudinal constraint that is imposed upon a person, regardless of whether that person has a disability. A set a stairs would be a handicap for a person with a disability who uses a wheelchair.

2016 CBC 11B (7/1/18) Section Recommended  
None

### Citation:

2016 CBC 11B (7/1/18) Section: Recommended



## Parking & Exterior

### Finding: 3

The "Minimum Fine \$250.00" signage is missing from each accessible parking space.

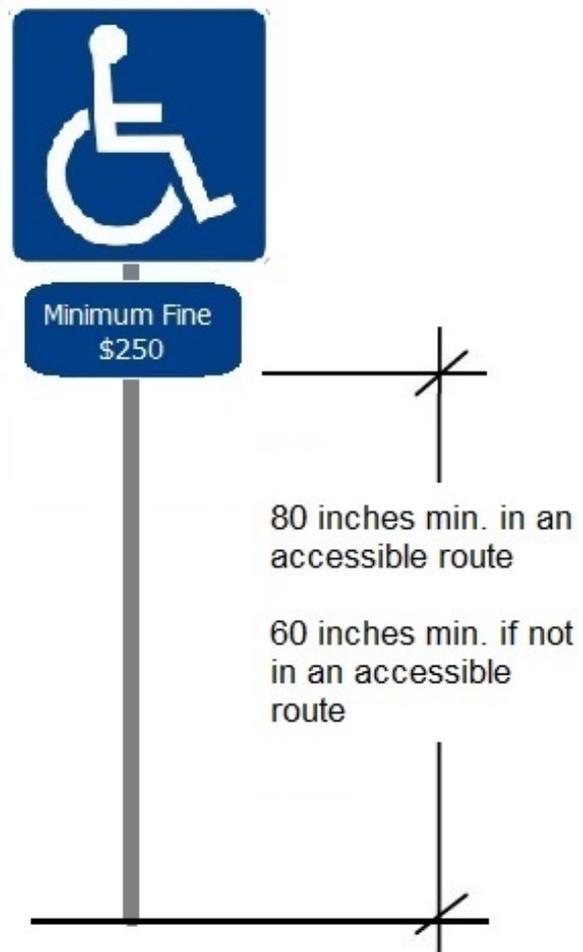
Each parking space reserved for persons with disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of the International Symbol of Accessibility in white on a dark blue background. The sign shall not be smaller than 70 square inches. An additional sign or additional language below the symbol of accessibility shall state "Minimum Fine \$250."

2016 CBC 11B (7/1/18) Section 11B-502.6.2

Additional language or an additional sign below the International Symbol of Accessibility shall state "Minimum Fine \$250".

### Citation:

2016 CBC 11B (7/1/18) Section: 11B-502.6.2



## Parking & Exterior

### Finding: 4

The cross slopes (narrow dimension) and/or running slopes (long dimension) of the accessible stall exceeds 2%. The pictures shown are only representative samples, and do not show all areas.

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

2016 CBC 11B (7/1/18) 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.

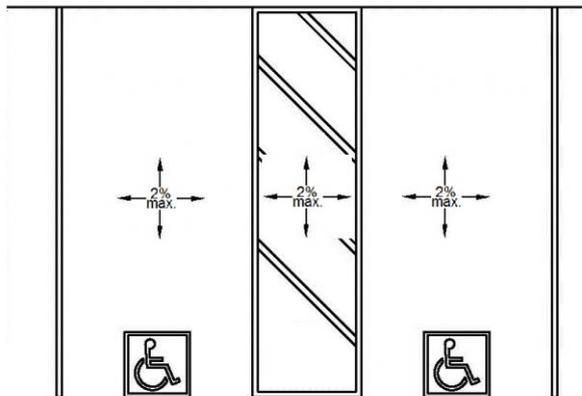
2010 ADAS Section 502.4

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.

### Citation:

2016 CBC 11B (7/1/18) Section: 11B-502.4

2010 ADAS Section: 502.4



Finding #4 Additional Finding Photos



Finding #4 Additional Finding Photos



Finding #4 Additional Finding Photos



Finding #4 Additional Finding Photos



## **Parking & Exterior**

### **Finding: 5**

**There are no van accessible parking stalls.**

**1 in every 6, minimum of one, required accessible stalls must be a van accessible stall.**

**A van accessible stall must be either 9' wide with a 8' access aisle, or 12' wide with a 5' access aisle. The access aisle must be located on the passenger side of the accessible parking space.**

*2016 CBC 11B (7/1/18) Section 11B-208.2*

*Parking spaces complying with Section 11B-502 shall be provided in accordance with Table 11B-208.2 except as required by Sections 11B-208.2.1, 11B-208.2.2, and 11B-208.2.3. Where more than one parking facility is provided on a site, the number of accessible paces provided on the site shall be calculated according to the number of spaces required for each parking facility.*

*2016 CBC 11B (7/1/18) Section 11B-208.2.4*

*For every six or fraction of six parking spaces required by Section 11B-208.2 to comply with Section 11B-502, at least one shall be a van parking space complying with Section 11B-502.*

*2010 ADAS Section 208.2*

*Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.*

*2010 ADAS Section 208.2.4*

*For every six or fraction of six parking spaces required by 208.2 to comply with 502, at least one shall be a van parking space complying with 502.*

### **Citation:**

**2016 CBC 11B (7/1/18) Section: 11B-208.2,  
11B-208.2.4**

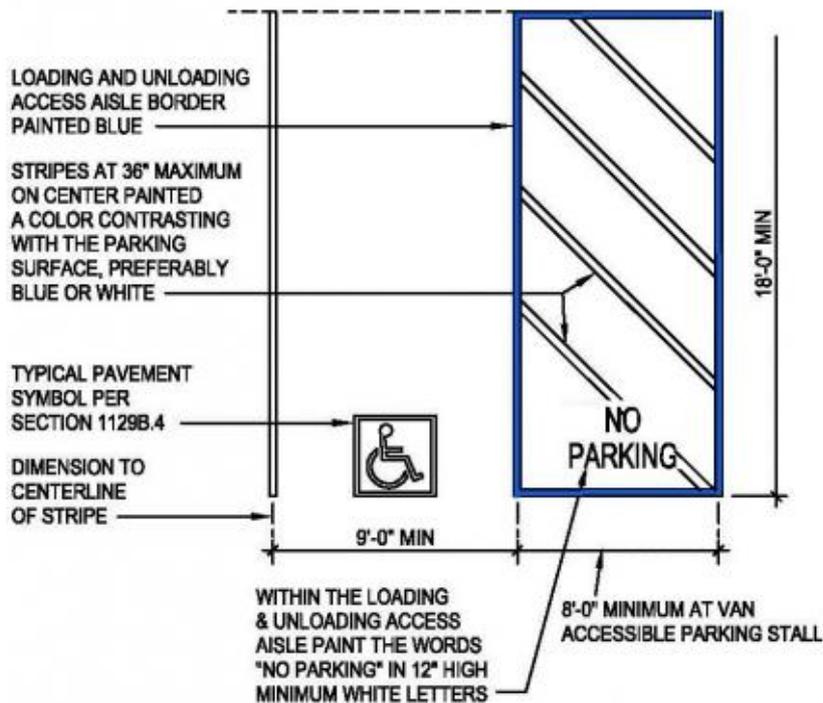
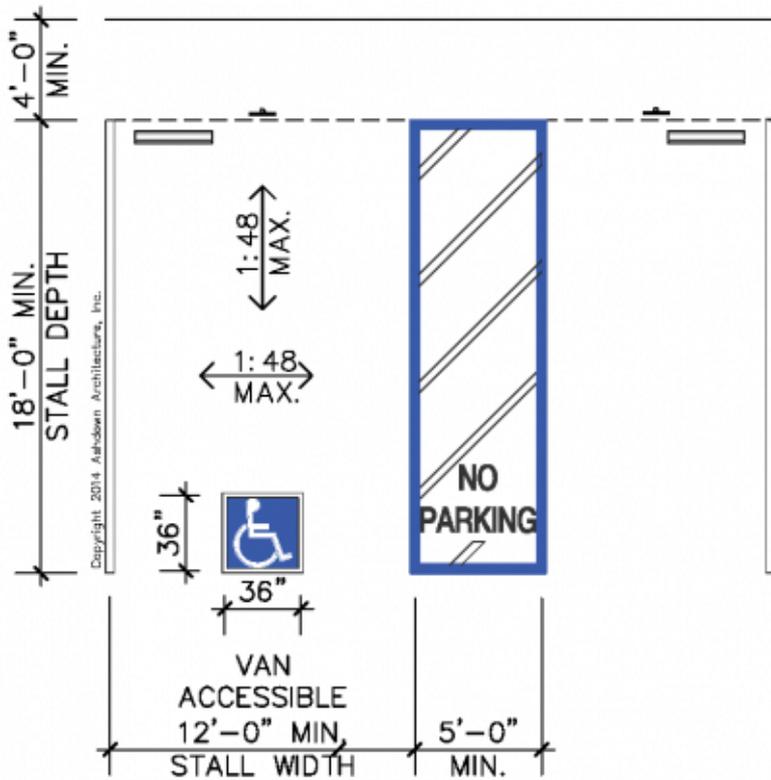
**2010 ADAS Section: 208.2, 208.2.4**

**Finding #5 Continued**



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

Finding #5 Additional Finding Photos



Finding #5 Additional Finding Photos



## Parking & Exterior

### Finding: 6

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.

2016 CBC 11B (7/1/18) 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.

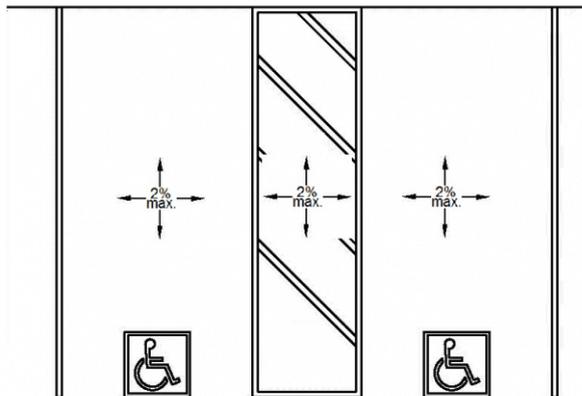
2010 ADAS Section 502.4

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.

### Citation:

2016 CBC 11B (7/1/18) Section: 11B-502.4

2010 ADAS Section: 502.4



Finding #6 Additional Finding Photos



## Parking & Exterior

### Finding: 7

**ADVISORY** - The customer has expressed that they will be adding EV charging stations in the future. If there are 1 - 4 stations added, there must be a space (with an access aisle located on the passenger side) that is sized to be van accessible. This space is not to be signed as disabled parking, or reserved as disabled parking only. The space may be used by anyone.

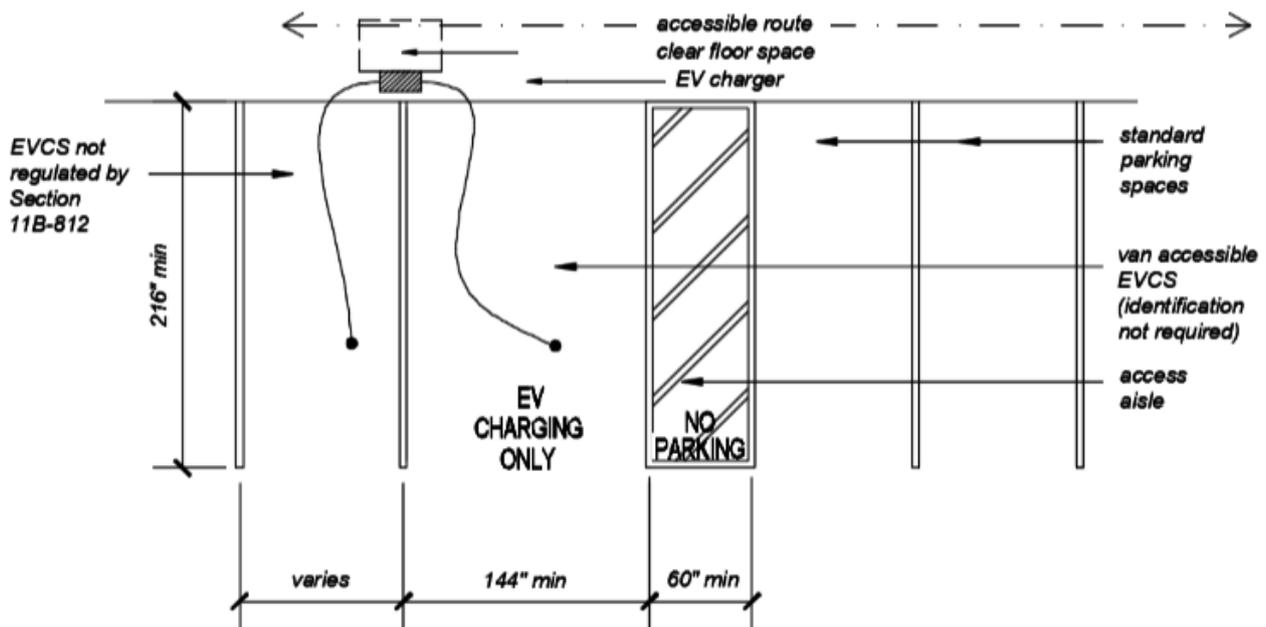
2016 CBC 11B (7/1/18) Section Advisory  
None

2010 ADAS Section Advisory  
None

### Citation:

2016 CBC 11B (7/1/18) Section: Advisory

2010 ADAS Section: Advisory





## 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](http://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](http://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.

### ***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.

## Common Questions: Readily Achievable Barrier Removal

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

**Parking & Exterior**

**Estimated Completion Date**

- Finding: 1 The tow-away sign is incorrectly worded. \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
- Finding: 2 The term "handicapped" may not be used \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
- Finding: 3 The "Minimum Fine \$250.00" signage is missing \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
- Finding: 4 The cross slopes and/or running slopes exceed 2% \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
- Finding: 5 There are no van accessible parking stalls. \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
- Finding: 6 The access aisles contain built up curb ramps \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
- Finding: 7 **ADVISORY - No correction required**

*Completed By:*

*Print Name:* \_\_\_\_\_ *Title:* \_\_\_\_\_

*Phone:* \_\_\_\_\_ *Date:* \_\_\_\_\_

**Please Mail to:**  
ProCASp  
23882 Matador Way  
Murrieta, CA 92562