

# INDEX TO APPENDICES

*United States v. Thomas Development Co., et al.*

- A Aspen Hills Apartments
- B Baltray Apartments
- C Brentwood Apartments
- D Brittas Bay Apartments
- E Carnoustie Apartments
- F Country Club Apartments
- G Donegal Bay Apartments
- H Mallard Cove Apartments
- I Park Hill Apartments
- J Parkwood Apartments
- K Pierce Park Village Apartments
- L Prestwick Apartments
- M Shaw Mountain Apartments
- N Tralee Apartments
- O Turnberry at Village Green Apartments
- P Western Gailes Apartments
- Q Westridge Apartments
- R Other Covered Apartment Complexes Designed and/or Constructed by Defendant Thomas Development Co.
- S Notice to Potential Victims of Discrimination Against Persons with Disabilities at Idaho Apartment Complexes

- T Release of Claims
- U Summary of Consent Order for Employees and Agents of Defendants
- V Certification of Review of Summary of Consent Order
- W Certification of Attending Training

# APPENDIX A

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Aspen Hills Apartments
Defendants.	)	Meridian, Idaho

The parties agree that Defendants Thomas Development Co., Centurion Properties, LLC, Aspen Hills L.P., and Hubble Engineering, Inc. shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Aspen Hills Apartments, Meridian, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Clubhouse - Main Entry Door	The door lacks compliant door hardware at the interior and exterior sides	Replace existing hardware with accessible lever-type hardware
2. Clubhouse - Community Rm Exterior Door	The door lacks compliant door hardware at the interior and exterior sides.	Replace existing hardware with accessible lever-type hardware

## APPENDIX A

3. Clubhouse - Community Rm Exterior Door	The door lacks 18" pull-side maneuvering space because of the location of the (moveable) furniture encroaches on the required space	Relocate and/or remove furniture to provide a minimum 18" maneuvering space at the pull-side of the door.
4. Community Rm - Kitchen Sink	The counter top at the sink is too high	Lower the counter top to no higher than 34"
5. Community Rm - Kitchen Paper Towel Dispenser	The paper towel dispenser is mounted too high	Lower the paper towel dispenser to no higher than 54"
6. Community Rm - Microwave Controls	The controls at the over the counter mounted microwave are mounted too high	Lower the controls to no higher than 54"
7. Fitness Rm - Accessible Route	There is a change in level at the fitness mat (that is located on the accessible route) that lacks a 1:2 beveled transition.	Provide a 1:2 beveled transition strip at edge of fitness mat, or replace mats with a different type with a 1:2 bevel
8. Clubhouse - Exterior Rear Door (to Pool Area)	The door (with a latch set and closer) lacks the required 12" at the push-side of the door	Remove the latch set and closer at the door
9. Clubhouse - Exterior Rear Door (to Pool Area)	The door lacks a level maneuvering space at the exterior side of the door	Modify the landing slope so that slope is no greater than 2%

## APPENDIX A

10. Clubhouse - Exterior Rear Door (to Pool Area)	The door lacks compliant door hardware at the interior and exterior sides	Install lever-type accessible hardware
11. Clubhouse - First Aid Kit	The First Aid Kit (located at the hallway) is mounted too high	Lower the First Aid Kit to no higher than 54"
12. Clubhouse - Business Center - Door	The door lacks compliant door hardware at the interior and exterior sides	Install lever-type accessible hardware
13. Clubhouse - Interior Vestibule Door (at Lobby)	The door lacks the required 48" perpendicular to the push-side of the door because the (moveable) furniture layout encroaches on the required space	Relocate and/or remove furniture to provide a minimum 18" maneuvering space at the pull-side of the door
14. Leasing Office- Men's Restroom Door	The restroom door lacks accessibility signage (with raised letters and Braille) that is mounted at 60" high and located at the latch side of the door	Install compliant signage with international symbol of accessibility
15. Leasing Office- Men's Restroom Toilet Grab Bars	The grab bars at the toilet are located too far from the side wall	Relocate the grab bar to within 1-1/2" from edge of the grab bar to the side of the wall

## APPENDIX A

16. Leasing Office-Women's Restroom Door	The restroom door lacks accessibility signage (with raised letters and Braille) that is mounted at 60" high and located at the latch side of the door	Install compliant signage with international symbol of accessibility
17. Leasing Office-Women's Restroom Toilet	The toilet fixture is mounted too close to the wall	Install offset flange so that the centerline of toilet is 18" from the tub
18. Leasing Office-Women's Restroom Toilet Grab Bars	The grab bars at mounted too close to the wall	Install grab bars so that they are located 1-1/2" from the wall
19. Exterior Shower (at Pool Area)	The exterior shower lacks compliant faucet, adjustable shower sprayer with a minimum 60" long hose, grab bars, and fixed seat	Install ANSI-compliant controls at shower head, 48" grab bar and 60" long hose on hand held shower
20. Exterior Vending Machine (at Pool Area)	The coin slot (at the vending machine) is too high	Replace vending machine with one that has the highest controls at maximum 54" high
21. Exterior Gate (to Pool Area)	The gate lacks the required 18" maneuvering space at the pull-side of the gate because the concrete walkway is too narrow	Add new concrete area to provide 18" maneuvering space at the pull-side of the gate

## APPENDIX A

22. Accessible Stall #1	The sign located at the head of the accessible stall is mounted too low	Install compliant sign 60" from the ground to the bottom of the sign
23. Van-Accessible Stall #2	The assumed van-accessible stall lacks a compliant sign with the International Symbol of Accessibility and Van-Accessible designation	Install compliant sign 60" from the ground to the bottom of the sign
24. Access Aisle (at Van-Accessible Stall #2)	The access aisle at the van-accessible stall is too narrow	Restripe aisle to provide for 8' wide access aisle
25. Curb Ramp (at Van-Accessible Stall #2)	The curb ramp has slopes that exceed 8.33% and side flares exceeding 10% slope	Provide ANSI-compliant curb ramp
26. Main Walkway (in front of Leasing Office / Clubhouse Entry Door)	The door lacks a level maneuvering space at the exterior side of the door because the slope at concrete landing is a ramp with a 7.0% slope	Replace the concrete walkway to provide a 5' landing at the door entry area with maximum 2% cross slope
27. Side Walkway (from Clubhouse Main Walkway leading to Pool Gate)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%

## APPENDIX A

28. Accessible Route to Volleyball Court, Basketball Court and Play Area

There are no accessible routes from the covered Units to the Volleyball Court, Basketball Court, and Play Area because there are no walkways to these areas

Create ANSI-compliant accessible routes - Add a new concrete walkway (Main Thoroughfare) that perpendicularly connects the main walkway in front of Bldg. 296 with the main walkway in front of Bldg.; Add a new concrete walkway that runs parallel to the main walkway in front of Bldg. 270 and connects the Basketball court to the Main Thoroughfare; Add a new concrete walkway that runs parallel to the main walkway in front of Bldg. 290 and connects the Play Area to the Main Thoroughfare

29. Main Walkway (in front of Unit #106, Bldg. 250)

The cross-slopes at (most of) walkway exceeds 2.0%

Modify the cross-slopes to no greater than 2%

30. Entry Walk (to Unit #105-6, Bldg. 250)

The slopes at (portions of) the entry walkway exceed 8.33%

Modify slopes to 5% or provide ANSI compliant ramp

31. Main Walkway (between Unit Entry #105-6 to Unit Entry #102, Bldg. 250)

The cross-slopes at (most of) walkway exceed 2.0%

Modify the cross-slopes to no greater than 2%



## APPENDIX A

32. Entry Walk (to Unit #103-4, Bldg. 250)	The slopes at (portions of) the entry walkway exceed 8.33%	Modify slopes to 5% or provide ANSI compliant ramp
33. Entry Walk (to Unit #101-2, Bldg. 250)	The slopes at (portions of) the entry walkway exceed 8.33%	Modify slopes to 5% or provide ANSI compliant ramp
34. Main Walkway (at corner of Unit #101, Bldg. 250 to Mailbox Area at corner near Bldg. 260)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
35. Walkway Area (in front of Mailboxes at corner near Bldg. 260)	The cross-slopes at the walkway in front of mailboxes exceed 2.0%	Modify the cross-slopes to no greater than 2%
36. Accessible Route (from Main Walkway between Bldg. 250 & Bldg. 260 to Picnic Area)	There are no accessible routes from the covered Units to the Picnic (Site Amenity) because there is no walkway to this area.	Create ANSI-compliant accessible route - Add a new concrete walkway that runs parallel to the main walkway in front of Bldg. 250 and connects the picnic area to the existing walkway that traverses across the center of the complex

## APPENDIX A

37. Curb Ramp (Accessible Stall #3 near corner of Bldg. 260)	There is a level change at the curb ramp that exceeds 1/2" high and lacks a ramp transition	Make retrofits noted in item 25, above
38. Accessible Stall #3 (near corner of Bldg. 260)	The accessible stall lacks a compliant sign with the International Symbol of Accessibility	Install compliant sign with international symbol of accessibility 60" from the ground to the bottom of the sign
39. Main Walkway (at corner between Bldg. 260 and Bldg. 268)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
40. Main Walkway (at corner between Bldg. 260 and Bldg. 268)	The slopes at the corner of the main walkway exceed 8.33%	Modify slopes to 5% or provide ANSI compliant ramp
41. Accessible Route (from Main Walkway at corner near Unit #101, Bldg. 260 to Trash)	There are no accessible routes from the covered Units at Bldg. 260 to the Trash Area because the curb at the main walkway located across from the Trash bin lacks a curb ramp	Provide accessible parking stall, with ANSI-compliant curb ramp, at parking peninsula between Bldgs. 268 and 260

## APPENDIX A

42. Main Walkway (between Unit Entry #104 to Unit Entry #102, Bldg. 268)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
43. Accessible Route (from Main Walkway at corner between Bldgs. 268 & 270 to Trash)	There are no accessible routes from the covered Units at Bldg. 268 & 270 to the Trash Area because the curb at the main walkway located across from the Trash bin lacks a curb ramp	Provide accessible parking stall, with ANSI-compliant curb ramp, at parking peninsula between Bldgs. 268 and 270
44. Main Walkway (between Bldg. 268 & Bldg. 270, at Walkway to Pool Area)	The cross-slopes at (few portions of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
45. Main Walkway (between Unit #104 to Unit #101, Bldg. 270)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
46. Main Walkway (in front of Mailbox Area between Bldg. 270 & Bldg. 278)	The cross-slopes at walkway in front of mailboxes exceed 2.0%	Modify the cross-slopes to no greater than 2%

## APPENDIX A

48. Main Walkway (between Unit #106 to Unit #101, Bldg. 278)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
49. Accessible Route (from Main Walkway at corner of Bldg. 278 & Bldg. 282 to Trash)	There are no accessible routes from the covered Units at Bldg. 278 & Bldg. 282 to the Trash Area because the curb at the main walkway located across from the Trash bin lacks a curb ramp	Provide accessible covered-parking stall, with ANSI-compliant curb ramp, at the end of the covered parking that is between Bldgs. 278 and 282
50. Main Walkway (in front of Garage near Unit #104, Bldg. 282)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
51. Accessible Stall #4 (at corner between Bldg. 282 & Bldg. 290)	The accessible stall lacks a compliant sign with the International Symbol of Accessibility	Install compliant sign with international symbol of accessibility 60" from the ground to the bottom of the sign
52. Curb Ramp at Accessible Stall #4 (at corner between Bldg. 282 & Bldg. 290)	There is a level change at the curb ramp that exceeds 1/2" high and lacks a ramp transition	Provide ANSI-compliant curb ramp

## APPENDIX A

53. Curb Ramp at Accessible Stall #4 (at corner between Bldg. 282 & Bldg. 290)	The curb ramp has side flares that exceed 10% slope	Provide ANSI-compliant curb ramp
54. Main Walkway (at corner between Bldg. 282 and Bldg. 290)	The slopes at the corner of the main walkway exceed 5.0% and lacks level landings	Modify slopes to 5% or provide ANSI compliant ramp
55. Main Walkway (between Unit Entry #105-6 to Unit Entry #101-2, Bldg. 290)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
56. Main Walkway (between Unit Entry #103-4 to Unit Entry #101-2, Bldg. 296)	The cross-slopes at (most of) the walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
57. Main Walkway-Typical	The Main Walkway (accessible route) may be reduced to less than 36" wide when cars are parked within stalls because stalls lack wheel stops	Provide wheel stops at heads of parking stalls adjacent to the Main walkway to ensure that parked cars do not reduce width of accessible route to less than 36"

## APPENDIX A

58. Underside of Stairs - Typical at all Building Entries

The underside of stairs (typical at each Entry) are a protruding object (below 80" AFF) on the accessible route to the covered units because there is no cane detectable railing lower than 27" high at the back side of the stairs

Install ANSI-compliant cane detection railing mounted no higher than 27" surrounding the underside of stairs at each building entry

59. Fire Extinguisher Cabinet - Typical at all Building Entries

The latch at the fire extinguisher cabinet is mounted to high

Lower the fire extinguisher cabinet to no higher than 54" high measured from the top of the cabinet

60. FHA Accessible Parking- Range of Options Required (Residents Parking Area)

There are no accessible carport stalls

Make retrofits noted in Item 49, above

Primary Entry Door-Hardware – Various Unit Types Indicated Below

The door hardware requires gripping or twisting to operate

Install lever-type accessible hardware

UNIT TYPE A - (1BR/ 1 BA)

## APPENDIX A

61. Primary Entry Door- Hardware	The entry door lacks accessible door hardware at the exterior side (existing hardware requires gripping or twisting to operate)	Install lever-type accessible hardware
62. Exterior Storage Rm Door- Clear Opening Width	The door at the 39" deep storage room lacks a nominal 32" clear opening width	Remove existing door and install a minimum 2'-10" door in 8 units
63. Exterior Storage Rm Door- Threshold	The threshold at the storage room is too high	Replace threshold to no greater than 3/4" in the same 8 units of item 62
64. Thermostat	The thermostat is mounted too high	Lower thermostat to 48" measured at controls from floor
65. Closet Door (at the Entry) - Clear Opening Width	The door at the 27-1/2" deep closet lacks a nominal 32" clear opening width	Bring rod and shelf within 12" of door trim piece; install brackets for shelf at 48" height
66. Kitchen - Clear Floor Space	The kitchen lacks sufficient clear floor space at sink	Install removable base cabinets under the kitchen sinks in all 16 units of this type

## APPENDIX A

67. Bathroom (off Hall) - Lavatory

The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach. The lavatory lacks 48" clear floor space for a parallel approach, including available toe space (typical 4") at toilet

Install removable base cabinets under the bathroom sinks in all 16 units of this type

68. Bathroom (off Hall) - Grab Bar Reinforcing

Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub

Test 4 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units

### UNIT TYPE B - (1BR/ 1 BA)

69. Primary Entry Door- Hardware

The entry door lacks accessible door hardware at the exterior side (existing hardware requires gripping or twisting to operate)

Install compliant lever hardware

70. Exterior Storage Rm Door- Clear Opening Width

The door at the storage room lacks a nominal 32" clear opening width

Remove existing door and install a minimum 2'-10" door in 4 units



## APPENDIX A

71. Kitchen - Clear Floor Space	The kitchen lacks sufficient clear floor space at sink	Install removable base cabinets under the kitchen sinks in all 8 units of this type
72. Bathroom - Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door	Reverse door-swing to be an out-swinging door
73. Bathroom (off Hall) - Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach. The lavatory lacks 48" clear floor space for a parallel approach, including available toe space (typical 4") at toilet	Install removable base cabinets under the bathroom sinks in all 8 units of this type
74. Bathroom (off Hall) - Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 68, above

UNIT TYPE C - (2BR / 1-1/4 BA)

## APPENDIX A

75. Primary Entry Door- Hardware	The entry door lacks accessible door hardware at the exterior side (existing hardware requires gripping or twisting to operate)	Install compliant lever hardware
76. Exterior Storage Rm Door- Clear Opening Width	The door at the storage room lacks a nominal 32" clear opening width	Remove existing door and install a minimum 2'-10" door in 4 units
77. Thermostat	The thermostat is mounted too high	Lower thermostat to 48" measured at controls from floor
78. Kitchen - Clear Floor Space	The kitchen lacks sufficient clear floor space at sink	Install removable base cabinets under the kitchen sinks in all 8 units of this type
79. Bathroom (off Hall) - Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door	Reverse door-swing to be an out-swinging door

## APPENDIX A

80. Bathroom (off Hall) - Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach. The lavatory lacks 48" clear floor space for a parallel approach, including available toe space (typical 4") at toilet	Install removable base cabinets under the bathroom sinks in all 8 units of this type
81. Bathroom (off Hall) - Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 68, above

### UNIT TYPE D - (2BR /2BA)

82. Primary Entry Door- Hardware	The entry door lacks accessible door hardware at the exterior side (existing hardware requires gripping or twisting to operate)	Install compliant lever hardware
83. Exterior Storage Rm Door- Clear Opening Width	The door at the storage room lacks a nominal 32" clear opening width	Remove existing door and install a minimum 2'-10" door in 2 units
84. Exterior Storage Rm Door- Threshold	The threshold at the storage room is too high	Replace threshold to no greater than 3/4" in same 2 units of item 83

## APPENDIX A

85. Thermostat	The thermostat is mounted too high	Lower thermostat to 48" measured at controls from floor
86. Kitchen - Clear Floor Space	The kitchen lacks sufficient clear floor space	Install removable base cabinets under the kitchen sinks in all 4 units of this type
87. Bathroom (off Master Bedrm) [Spec. B Bathroom] - Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door	Reverse door-swing to be an out-swinging door
88. Bathroom (off Master Bedrm) [Spec. B Bathroom] - Toilet	The toilet fixture is mounted too close to the wall	Relocate fixture to provide the 18" distance from the centerline of the toilet to the bathtub
89. Bathroom (off Master Bedrm) [Spec. B Bathroom] - Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach	Install removable base cabinets under the bathroom sinks in 4 units of this type
90. Bathroom (off Master Bedrm) [Spec. B Bathroom] - Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 68, above

## APPENDIX A

91. Bathroom (off Hall) - Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 68, above
<u>UNIT TYPE E - (3BR /2BA)</u>		
92. Primary Entry Door- Hardware	The entry door lacks accessible door hardware at the exterior side (existing hardware requires gripping or twisting to operate)	Install compliant lever hardware
93. Exterior Storage Rm Door- Clear Opening Width	The door at the storage room lacks a nominal 32" clear opening width	Remove existing door and install a minimum 2'-10" door in 2 units
94. Thermostat	The thermostat is mounted too high	Lower thermostat to 48" measured at controls from floor
95. Kitchen - Clear Floor Space	The kitchen lacks sufficient clear floor space at sink	Install removable base cabinets under the kitchen sinks in all 4 units of this type
96. Bathroom (off Master Bedrm) - Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door	Reverse door-swing to be an out-swinging door

## APPENDIX A

97. Bathroom (off Master Bedrm) - Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach	Install removable base cabinets under the bathroom sinks in all 4 units of this type
98. Bathroom (off Master Bedrm) - Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 68, above
99. Bathroom (off Hall) - Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door	Reverse door-swing so that door swings out
100. Bathroom (off Hall) - Toilet	The toilet fixture is mounted too close to lavatory	Install off-set flange to provide minimum 15" from the centerline of toilet to lavatory
101. Bathroom (off Hall) - Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach	Install removable base cabinets under the bathroom sinks in 4 units of this type

**APPENDIX A**

102. Bathroom (off  
Hall) - Grab Bar  
Reinforcing

Inspector was unable to verify  
existence of required grab bar  
reinforcement (within wall  
construction) at toilet fixture  
and bathtub

Make retrofits noted in Item  
68, above

**APPENDIX B**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Baltray Apartments
Defendants.	)	Jerome, Idaho
_____	)	

The parties agree that Defendants Links Properties, LLC, Wilson Architectural and EHM Engineering, Inc. shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Baltray Apartments, in Jerome, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Fitness Bldg – Exterior Front Entry Door Area	The entry area (with exterior and interior mats is an unstable surface)	Replace mats with new mats that have a manufacturer’s certification that the mats meet ADA regulations
2. Fitness Bldg – Exterior Front Entry Door	The door hardware requires twisting or gripping to operate	Install lever handle hardware



## APPENDIX B

3. Fitness Bldg – Exterior Rear Entry Door	The door lacks the minimum 18" maneuvering space at the pull-side of the door because the concrete landing is too narrow	Install landscape stone or pour additional concrete adjacent to sidewalk to create required 18" maneuvering area
4. Fitness Bldg – Exterior Rear Entry Door	The entry area (with interior mat) is an unstable surface	Replace mat with new mat that has a manufacturer's certification that the mat meets ADA regulations
5. Fitness Bldg – Exterior Rear Entry Door	The door hardware requires twisting or gripping to operate	Replace existing hardware with accessible lever-type hardware
6. Fitness Bldg – Corridor Fire Cabinet	The fire cabinet is a protruding object and the cabinet handle is too high to be accessible	Relocate fire cabinet out of accessible route to below 54"
7. Fitness Rm Door – Interior	The door hardware requires twisting or gripping to operate	Replace existing hardware with accessible lever-type hardware
8. Fitness Rm Door – Interior	The layout of the moveable gym equipment encroaches on the required 18" maneuvering space at the pull-side of the door for a depth of 60"	Relocate gym equipment to provide the required 18" maneuvering space at the pull-side of the door
9. Exercise Rm Door – Interior	The door hardware requires twisting or gripping to operate	Replace existing hardware with accessible lever-type hardware

## APPENDIX B

10. Accessible Route to Clubhouse/ Leasing Bldg	The property lacks an accessible route to the public sidewalk and/or street because there is a walkway (in front of Unit #38) with no curb ramp	Install ANSI-compliant accessible route (curb ramp or extend sidewalk to existing ramp)
11. Accessible Route to Play Area	The property lacks an accessible route to the play area because the main walkway (between Units #60 and #57) lacks a walkway to the play area	Install ANSI-compliant accessible route to play area, including turn-around
12. Underside of Stairs – Typ. at Bldgs	At each building, the underside of stairs has a protruding object (below 80" AFF) on the accessible route to the ground floor Units. Existing railing is sufficient at stair side but there is no railing at the back side	Install ANSI-compliant metal barrier at the back side to block approach to underside of stairs
13. Accessible Parking #1 (at Clubhouse Parking Area)	The accessible stall has a sign that is obscured from view by overgrown planting	Trim and maintain shrubbery to ensure that the accessible sign is visible and cannot be obscured by a vehicle parked in the space
14. Primary Entry Door – Exterior at Unit Type 1 – 2 BR/1 BA	The entry door (with a door closer) lacks the required 12" maneuvering space at the push-side of the door	Remove door closers

## APPENDIX B

### UNIT TYPE 1 – 2 BR/1BA

15. Electrical Outlet – Typ.	The outlets (typical interior) are too low	Relocate or install 1 outlet per room in each unit (1 in each bedroom, 1 in the living room) so that the lowest outlet is at least 15" above the floor
16. Closet Door (off Hall)	The interior door lacks a nominal 32" opening	Widen door to provide nominal 32" opening
17. Thermostat	The thermostat is mounted too high	Lower thermostat to maximum 48" above finished floor (measured to controls)
18. Kitchen – Clearance/ Clear Floor Space	The kitchen lacks the minimum 40" required clearance between the dishwasher and range, the refrigerator and cabinets, and opposing cabinets; it also lacks the minimum required 30" x 48" clear floor space centered-on appliance at the refrigerator	Install removable base cabinets under the kitchen sinks in 5 units (in different unit types, but including 2 "HC" (Sec. 504) Units)
19. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub; the drawings do not indicate grab bar installation	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units

## APPENDIX B

### UNIT TYPE 1 (HC) – 2 BR/ 1 BA ACCESSIBLE

20. Kitchen – Clearance/ Clear Floor Space	The kitchen lacks the minimum 40" required clearance between the dishwasher and range, the refrigerator and cabinets, and opposing cabinets; it also lacks the minimum required 30" x 48" centered clear floor space at the refrigerator	Make retrofits noted in Item 18, above
21. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub; the drawings do not indicate grab bar installation	Make retrofits noted in Item 19, above
22. UFAS: Exterior Storage Room Door	The door hardware requires twisting or gripping to operate	Replace existing hardware with accessible lever-type hardware
23. UFAS: Bathroom Lavatory	The lavatory lacks the required 30" x 48" clear floor space for a front approach because the support structure reduces the 30" width	Replace support structure with a structure that will provide a 30" x 48" clear floor space
24. UFAS: Bathroom – Bathtub Controls	The bathtub lacks accessible faucet controls	Replace existing faucet controls with accessible lever-type faucet controls

## APPENDIX B

25. UFAS: Bathroom – Bathtub Controls	The bathtub controls lack an adjustable shower spray unit with a minimum 60" long hose	Install 60" adjustable shower spray unit
26. UFAS: Bathroom – Bathtub Seat	The bathtub lacks a removable seat that securely anchors to bathtub	Maintain removable seat that can securely anchor to bathtub; install roll-in shower in 1 "HC" (Sec. 504) Unit
<u>UNIT TYPE 2 – 3 BR/2 BA</u>		
27. Electrical Outlet – Typ.	The electrical outlets (typical at interior) are too low	Relocate or install 1 outlet per room in each unit (1 in each bedroom, 1 in the living room) so that the lowest outlet is at least 15" above the floor
28. Thermostat	The thermostat is mounted too high	Lower thermostat to maximum 48" above finished floor (measured to controls)
29. Closet Door (off Hall)	The interior door lacks a nominal 32" opening	Extend shelves to front of closet door to enable use without entering closet
30. Kitchen – Clearance/ Clear Floor Space	The kitchen lacks the minimum 40" required clearance between the dishwasher and range, the refrigerator and cabinets, and opposing cabinets; it also lacks the minimum required 30" x 48" clear floor space centered-on appliance at the refrigerator	Make retrofits noted in Item 18, above

## APPENDIX B

31. Bathroom #1  
(off Hall) – Clear  
Floor Space

The bathroom lacks 30" x 48"  
clear floor space beyond the  
swing of the door

Re-swing door so that door  
swings out, unless neutral  
inspector verifies that there is  
sufficient toe space under the  
toilet to provide 30" x 48"  
clear floor space beyond the  
swing of the door

32. Bathroom –  
Grab Bar  
Reinforcing

Inspector was unable to  
verify existence of required  
grab bar reinforcement  
(within wall construction) at  
toilet fixture and bathtub; the  
drawings do not indicate grab  
bar installation

Make retrofits noted in Item  
19, above

# APPENDIX C

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Brentwood Manor Apartments
Defendants.	)	Boise, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co., Ziegler-Tamura Ltd. Co. (or its successor(s)) and Hubble Engineering, Inc. shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Brentwood Manor Apartments in Boise, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Clubhouse Entry Door-Threshold	The entry door threshold (exterior) measures greater than 1/2" high	Modify threshold to no more than 1/2", including concrete work as needed
2. Clubhouse Entry Door Area	The entry areas (with exterior and interior mat) are an unstable surface	Remove entry mats at exterior and interior; any replacement mats must have a manufacturer's certification that the mats meet ADA regulations

## APPENDIX C

3. Clubhouse – Men’s Restroom – Door Maneuvering Space	The door lacks minimum 48” maneuvering clearance in front of the door at the pull-side	Convert both bathrooms to unisex and install an automatic door opener on one bathroom that is to be designated accessible
4. Clubhouse – Men’s Restroom Door	The restroom door lacks accessibility signage that is mounted at 60” high at the latch side of the door	Provide sign with the International Symbol of Accessibility, mounted at 60" high on the wall next to the door of the accessible bathroom
5. Clubhouse – Women’s Restroom – Door Maneuvering Space	The door lacks minimum 48” maneuvering clearance in front of the door at the pull-side (measures at 40” perpendicular to door at interior side)	Make retrofits noted in Item 3, above
6. Clubhouse – Women’s Restroom Door	The restroom door lacks accessibility signage that is mounted at 60” high at the latch side of the door	Make retrofits noted in Item 4, above
7. Interior Laundry Door (off Clubhouse Lobby)	The location of a (moveable) plant encroaches on door maneuvering space at Laundry Room entry (off of the Clubhouse Lobby area)	Remove or reposition the plant to ensure sufficient maneuvering space consistent with ADAAG
8. Exterior Laundry Door	The entry door threshold (exterior) measures greater than ½” high	Modify threshold to no more than ½”, including concrete work as needed



## APPENDIX C

9. Exterior Laundry Door	The entry door lacks 18” door maneuvering space at the pull-side because concrete walk is too narrow (in width)	Increase width of walk to provide 18” maneuvering space at pull-side of door
10. Vending Machine (at Laundry Room)	The coin slot (dollar bill slot) at exterior vending machine exceeds maximum 54” reach range	Replace existing machine with an accessible (ADAAG-compliant) model
11. Play Area/Basketball/Volleyball Court (Exterior)	The Play Area /Basketball/ Volleyball Court lacks an accessible route from ground floor units	Install ANSI-compliant accessible route to play area /basketball/ volleyball court
12. Mailbox (adjacent to Garage Bldg.)	The mailboxes (top three rows) are mounted too high	Assign ground floor apartments to mailboxes within reach range; obtain letter from Postmaster agreeing to this
13. Accessible Route to Mailbox Area	There is no accessible route to Mailbox area from Main Walkway on the south-side and the Main Walkway on the north-side because the walkways lack curb ramps	Install ANSI-compliant curb ramp on accessible route to mailbox area
14. Main Walkway (at northeast-side in front of Clubhouse)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
15. Main Walkway (at north-side in front of Clubhouse)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX C

16. Main Walkway (at north-side in front of Bldg. 3161)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
17. Entry Walk (at middle entry to Bldg. 4)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
18. Entry Walk (at west entry to Bldg. 4)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
19. Accessible Route to Trash Area #1 (near Bldgs. 4 & 5)	There is no accessible route from the Main Walkway (in front of Bldgs. 3 & 4) to the Trash Area #1 because there is a walkway with no curb ramp	Install ANSI-compliant curb ramp to create accessible route
20. Accessible Route to Trash Area #1 (near Bldgs. 4 & 5)	There is no accessible route from the Main Walkway (in front of Bldg. 5) to the Trash Area #1 because there is a walkway with no curb ramp	Make retrofits noted in Item 19, above
21. Main Walkway (in front of Bldgs. 6 & 7)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
22. Main Walkway (in front of carport at Bldg. 7)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
23. Main Walkway (between garage buildings at Bldg. 7)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX C

24. Main Walkway (at south side of Bldg. 8)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
25. Accessible Route to Public Sidewalk/Street	The property lacks an accessible route to the public sidewalk and/or street because there is a walkway with no curb ramp (at Main Walkway at Bldg. #6)	Install ANSI-compliant accessible route
26. Underside of Stairs – Typ. at Bldgs.	At each building, the underside of stairs are a protruding object (below 80” from the finished floor) on the accessible route to the Units	Install ANSI-compliant cane detection railing surrounding the underside of stairs mounted no higher than 27" at all areas lower than 80" AFF
27. Accessible Parking #1 (at east side of Bldg. 3161)	The accessible stall lacks an access aisle	If this is a public accessible space, an access aisle will be installed. (This may be a space assigned to a particular resident who uses a wheelchair; if so, the sign will be changed to indicate the assignment.)
28. Curb Ramp (at Accessible Parking #1)	The curb ramp (located at head of accessible stall) has slopes exceeding 8.33%	Modify slope to create ANSI-compliant ramp of no more than 8.33%

## APPENDIX C

29. Accessible Parking #2 (at east side of Bldg. 4)	The accessible stall lacks an access aisle	If this is a public accessible space, an access aisle will be installed. (This may be a space assigned to a particular resident who uses a wheelchair; if so, the sign will be changed to indicate the assignment.)
30. Curb Ramp (at Accessible Parking #2)	There is no accessible route from the parking stall to the Main Walkway (leading to the ground floor Units). Note that a built-up (moveable) wood ramp is located at nearby parking stall	Install permanent ANSI-compliant curb ramp at this location
31. FHA Accessible Parking – Quantity Required (Residents Parking Area)	As observed on site, two accessible (not fully FHA compliant – Accessible Parking #1 & 2) surface stalls are provided at the Residents parking areas	If Items 27 and 29 are not made accessible, then two accessible stalls must be provided for this entry
32. FHA Accessible Parking (at Clubhouse / Leasing Office Parking Area)	There is no accessible parking at the Common-Use Facility (Clubhouse / Leasing Office). Note that, as per ADAAG, the accessible stall is to be a van-accessible stall because the leasing office is a public accommodation	Install ADAAG-compliant van accessible space at this location

## APPENDIX C

33. FHA Accessible Parking – Range of Options (Residents Parking Area)	The designated accessible parking stalls (for residents parking area) are surface parking stall type only; no accessible parking is provided in either garages or carport stalls. Therefore, the required range of options (as provided to the general public) is not provided	Modify an existing carport to be ANSI-compliant designated accessible space
34. FHA Accessible Parking – Quantity Required (Visitor Parking)	There are no ‘Visitor’ accessible parking stalls (for residents parking area).	Make retrofits noted in Item 33, above
<b>Primary Entry Door – Hardware – Various Unit Types Indicated Below</b>	<b>The door hardware requires twisting or gripping to operate</b>  <u>UNIT TYPE A - 2 BR, 1 BA LARGE</u>	Replace door hardware with accessible lever-type hardware
35. Primary Entry Door – Hardware	The door hardware requires twisting or gripping to operate	Replace door hardware with accessible lever-type hardware
36. Thermostat	The thermostat is mounted above the maximum 48” height to controls	Lower thermostat to no greater than 48” high measured to controls

## APPENDIX C

37. Kitchen – Clearance	The kitchen lacks the minimum 40” required clearance between the dishwasher and the range	Install three removable base cabinets under the kitchen sinks in 10 units (in different types, but including 1 “HC” (Sec. 504) unit)
38. Bathroom – Toilet Fixture	The toilet fixture is too close to the tub	Install offset flange so that centerline of toilet is no more than 18" from the tub
39. Bathroom – Toilet Fixture	The toilet fixture lacks the required overall dimension of 33” width (measured from the edge of lavatory cabinet to the edge of bathtub).	Install offset flange to achieve 33" width
40. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet and bathtub in any of the tested units, install Wing-It-mounted grab bars at residents’ request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units
41. Closet Door (off Bedroom 1 and 2)	The interior door lacks a nominal 32” opening	Widen closet doors to provide nominal 32” opening

## APPENDIX C

### UNIT TYPE B - 1 BR, 1 BA STANDARD

42. Primary Entry Door – Threshold	The door has a level change (between exterior and interior surfaces) that exceed ½”	Modify threshold to no more than ½”, including concrete work as needed
43. Primary Entry Door – Hardware	The door hardware requires twisting or gripping to operate	Replace door hardware with accessible lever-type hardware
44. Thermostat	The thermostat is mounted too high	Lower thermostat to no greater than 48” high measured to controls
45. Patio Door	The exterior door lacks a nominal 32” opening	Widen door to provide nominal 32” opening
46. Kitchen – Clearance	The kitchen lacks the minimum 40” required clearance between the dishwasher and the refrigerator	Make retrofits noted in Item 37, above
47. Kitchen – Clear Floor Space at Appliances (Dishwasher, Refrigerator)	The kitchen lacks the minimum required 30” x 48” clear floor space <u>centered on</u> appliance at the dishwasher and the refrigerator	Make retrofits noted in Item 37, above

## APPENDIX C

48. Bathroom – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30” x 48” clear floor space centered-on the lavatory	Install removable base cabinets under bathroom sinks in all units
49. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub. The reviewed drawings do indicate grab bar installation	<b>Make retrofits noted in Item 40, above</b>
<u>UNIT TYPE C (HC) - 2</u> <u>BR, 1BA ACCESSIBLE</u>		
50. Primary Entry Door – Threshold	The door has a level change (between exterior and interior surfaces) that exceed ½”	Modify threshold to no greater than ½”, including concrete work as needed
51. Primary Entry Door – Hardware	The door hardware requires twisting or gripping to operate	Replace door hardware with accessible lever-type hardware
52. Thermostat	The thermostat is mounted too high	Lower thermostat to no greater than 48” high measured to controls
53. Exterior Patio Door	The exterior door lacks a nominal 32” opening	Widen door to provide nominal 32” opening



## APPENDIX C

54. Kitchen – Clearance	The kitchen lacks the minimum 40” required clearance between the dishwasher and the refrigerator	Make retrofits noted in Item 37, above
55. Kitchen – Clear Floor Space at Appliances (Dishwasher, Refrigerator)	The kitchen lacks the minimum required 30” x 48” clear floor space centered on appliance at the dishwasher and the refrigerator	Make retrofits noted in Item 37, above
56. Bathroom – Toilet Fixture	The toilet fixture is too close to the tub	Install offset flange so that centerline of toilet is no more than 18" from the tub
57. Bathroom – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30” x 48” clear floor space centered on the lavatory	Install removable base cabinets under bathroom sinks in all units
58. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	<b>Make retrofits noted in Item 40, above</b>
<u>UNIT TYPE C- 1BR, 1BA</u>		
59. Primary Entry Door – Threshold	The door has a level change (between exterior and interior surfaces) that exceeds ½”	Modify threshold to no more than ½”, including concrete work as needed

## APPENDIX C

60. Primary Entry Door – Hardware	The door hardware requires twisting or gripping to operate	Replace door hardware with accessible lever-type hardware
61. Thermostat	The thermostat is mounted too high	Lower thermostat to no greater than 48” high measured to controls
62. Kitchen – Clear Floor Space at Appliances (Dishwasher)	The kitchen lacks the minimum required 30” x 48” clear floor space centered on appliance at the dishwasher only	Make retrofits noted in Item 37, above
63. Bathroom – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30” x 48” clear floor space centered on the lavatory	Install removable base cabinets under the bathroom sinks in all units

### UNIT TYPE D - 3BR, 2BA

64. Primary Entry Door – Hardware	The door hardware requires twisting or gripping to operate	Replace door hardware with accessible lever-type hardware on exterior of primary entry doors at all covered units
65. Thermostat	The thermostat is mounted too high	Lower thermostat to no greater than 48” high measured to controls
66. Exterior Patio Door	The exterior door lacks a nominal 32” opening	Widen door to provide nominal 32” opening

## APPENDIX C

67. Bathroom #1 – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	<b>Make retrofits noted in Item 40, above</b>
68. Bathroom #2 (off Hall) – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30” x 48” clear floor space centered on the lavatory	Install removable base cabinets in all units
69. Bathroom #2 (off Hall) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub. The reviewed drawings <u>do</u> indicate grab bar installation	<b>Make retrofits noted in Item 40, above</b>

## APPENDIX D

### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Brittas Bay Apartments
Defendants.	)	Weiser, Idaho
_____	)	

The parties agree that Defendants Links Properties, LLC and Wilson Architectural shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Brittas Bay Apartments, in Weiser, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Leasing Office – Interior Door	The location of a (moveable) file cabinet/copy machine encroaches on the required 18" maneuvering space at the pull-side of the door	Relocate and/or remove file cabinet/copy machine to provide a minimum 18" maneuvering space at the pull-side of the door
2. Leasing Office – Entry Door Area	The entry door area has an interior mat (at Fitness area) that is an unstable surface	Replace mat with new mat that has a manufacturer’s certification that the mat meets ADA regulations

## APPENDIX D

3. Exterior Fitness Rm Door – Hardware	The door (exterior door to Fitness Room) lacks compliant interior door hardware (existing hardware has deadbolt at interior side)	Install new interior lever-type accessible deadbolt latch hardware
4. Exterior Fitness Rm Door	The (moveable) fitness equipment encroaches on the required 42" perpendicular to the push-side of the door	Relocate and/or remove fitness equipment to provide required maneuvering space at push-side of the door
5. Leasing Office – Application Bin	The application bin is mounted too high	Lower the application bin to no higher than 54" high
6. Leasing Office – Restroom Door	The restroom door lacks accessibility signage that is mounted at 60" high and located at the latch side of the door	Install sign with the International Symbol of Accessibility at 60" high
7. Leasing Office – Restroom	The lavatory lacks accessible faucet hardware	Replace existing faucet with accessible lever-type faucet hardware
8. Leasing Office – Restroom	The lavatory lacks clear floor space for a front approach because there are fixed cabinets below the lavatory	Remove existing base cabinets to provide required knee space for a front approach; ensure that insulation is provided at exposed lavatory hot water and drain pipes

## APPENDIX D

9. Leasing Office – Restroom	The restroom lacks the required minimum 60" diameter unobstructed turnaround space within the room because door swing encroaches into the space	Reverse the swing of door to out-swinging door
10. Accessible Route to Play Area	There is no accessible route from the Units to the Play Area (sandbox) because there is no walkway	Provide ANSI-compliant accessible route to the Play Area
11. Main Walkway – Typ.	The main walkway (accessible route) may be reduced to less than the minimum required 36" wide when cars are parked within stalls because stalls lack wheel stops	Paint yellow stripe at head of each stall to ensure 36" width along walkway when cars are parked within stalls; modify apartment regulations to require that cars not encroach on 36" width along walkway
12. Exterior Mounted Fire Extinguisher Cabinets – Typ.	The fire extinguisher cabinets (mounted at exterior of buildings) lack an accessible route to the extinguisher because there is no walkway	Relocate extinguisher cabinets to locations on the accessible route
13. Main Walkway (at parking side of Unit #201)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
14. Main Walkway (at corner of Unit #201 to Mailbox Area A)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX D

15. Entry Walk (to Units #301 & 306)	The slope at (most of) entry walkway exceeds 5.0% and lacks handrails and level landings	Replace concrete entry walk with new walk with less than 5.0% slope
16. Main Walkway (north side of Unit #301 to Mailbox Area B)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
17. Main Walkway (in front of Units #404 & 405)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
18. Accessible Parking Stalls #1, 2, 3 & 4	The signs located at the head of accessible stalls are mounted too low (existing signs may be obscured by a parked car within the stall)	Raise accessible parking signs (at Accessible Stalls #1-4) to assure that signs are not obstructed by parked cars within such stalls
19. Access Aisle (at Stall #1)	The slope at the access aisle exceeds 2.0% in all directions	Level and re-pave the access aisle/stall area so that it does not exceed 2.0%
20. FHA Accessible Parking (at Clubhouse/Leasing Office Parking Area)	Accessible Parking Stall #1 is required to be a van-accessible stall	Provide an additional "Van-Accessible" sign panel at existing signage
21. Primary Entry Door – Hardware – Unit Type 1– 3 BR/2 BA - Standard	The entry door lacks accessible door hardware at the exterior side (existing hardware requires gripping or twisting to operate)	Replace existing hardware with accessible lever-type hardware

## APPENDIX D

### UNIT TYPE 1 – 3 BR/2 BA - STANDARD

22. Primary Entry Door – Threshold	The entry door threshold has a level change (between interior and exterior surfaces) that exceeds ½"	Raise level (add concrete) at entry walk so that threshold level change does not exceed ½"
23. Interior Electrical Outlet – Typ.	The outlets (typical at interior) are too low	Relocate or install 1 outlet per room in each unit (1 in each bedroom, 1 in the living room) so that the lowest outlet is at least 15" above the floor
24. Bathroom Door (off Master Bedroom)	The interior door lacks a nominal 32" opening	Widen door to nominal 32" opening
25. Walk-in Closet Door (off Bedroom B)	The interior door at walk-in closet lacks a nominal 32" opening	Widen door to nominal 32" opening
26. Bathroom (off Master Bdrm.) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and shower	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units



## APPENDIX D

27. Bathroom (off Hall) [Spec. B Bathroom]	The toilet fixture is too close to the sidewall; the toilet fixture lacks the required overall dimension of 48" x 56" because the lavatory cabinet encroaches on the clear floor space; the lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach because the toilet fixture encroaches on the space	Make retrofits noted in Item 31, below
28. Bathroom (off Hall) [Spec. B Bathroom]	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 26, above
<u>UNIT TYPE 1 – HC – 3 BR, 2 BA – ACCESSIBLE</u>		
29. Primary Entry Door – Threshold	The entry door threshold has a level change (between interior and exterior surfaces) that exceeds ½"	Raise level (add concrete) at entry walk so that threshold level change does not exceed ½"
30. Bathroom (off Master Bdrm.) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and shower	Make retrofits noted in Item 26, above

## APPENDIX D

31. Bathroom (off Hall) [Spec. B Bathroom]	The toilet fixture is too close to the sidewall; the toilet fixture lacks the required overall dimension of 48" x 56" because the lavatory cabinet encroaches on the clear floor space; the lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach because the toilet fixture encroaches on the space	Relocate toilet fixture so that the centerline of the toilet is 18" to the sidewall; install removable base cabinets under bathroom sinks in both "HC" (Sec. 504) units
32. Bathroom (off Hall) [Spec. B Bathroom] – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 26, above
33. UFAS: Exterior Storage Room Door – Threshold	The exterior door has a threshold (measured from exterior surface to top of threshold) that exceeds ½" high	Replace threshold so that level change does not exceed ½" or install UFAS-compliant ramp
34. UFAS: Kitchen – Range Controls	The range lacks controls that are located at front or side of the appliance (existing controls require users to reach across burners)	Replace range with model that does not require users to reach across burners to operate
35. UFAS: Closet (off Hall) – Hardware	The closet doors lack compliant door hardware (existing knobs require pinching or gripping to operate)	Replace door hardware with lever-type hardware

## APPENDIX D

36. UFAS: Closet  
(off Hall) – Shelf

The shelf is mounted too high

Install brackets for a 54" shelf

**APPENDIX E**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Carnoustie Apartments
Defendants.	)	Shelley, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co., Carnoustie L.P., Wilson Architectural and EHM Engineering shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Carnoustie Apartments, in Shelley, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Clubhouse – Main Entry Door – Clear Opening Width	The door has a closer at the top that is a chain that limits the door from opening 90 degrees to provide the required 32" clear opening width	Remove top chain closer to allow door to open to full 90 degree position

## APPENDIX E

2. Clubhouse – Rear Exit Door – Threshold	The exterior threshold exceeds ½" high and lacks a 1:2 beveled transition	Replace the threshold with a ½" high threshold with a 1:2 beveled transition
3. Clubhouse – Fire Extinguisher Cabinet	The fire extinguisher cabinet (located at the hallway) is mounted too high	Lower the fire extinguisher cabinet so that the top edge is 54" from the floor
4. Clubhouse – Business Center Door	The door opening force exceeds 5 pounds of force because the door binds on the thick carpet located in the room	Remove padding under the carpet and shave the door bottom to increase undercut and reduce door opening force
5. Leasing Office – Unisex Restroom Door	The restroom door lacks accessibility signage (with raised letters and Braille) that is mounted at 60" high and located at the latch side of the door	Provide 1 sign with the International Symbol of Accessibility mounted at 60" high at the latch side of the door
6. Leasing Office – Unisex Restroom Toilet Grab Bars	The rear grab bar is too short	Replace rear grab bar with one that is 36" long
7. Accessible Stall B, near Clubhouse/ Leasing Office Bldg.	The sign located at the head of the accessible stall is mounted too low and may be obscured by a parked car within the stall	Raise sign so that the bottom edge is no lower than 60" from the ground

## APPENDIX E

8. Van-Accessible Stall A, near Clubhouse/Leasing Office Bldg.	The van-accessible stall lacks a compliant sign indicating van-accessible designation; the existing sign located at the head of the accessible stall is mounted too low and may be obscured by a parked car within the stall	Install ADAAG-compliant van-accessible sign, mounted so that the bottom edge is no lower than 60" from the ground
9. Curb Ramp (located in front of Clubhouse/Leasing Office Entry Walk)	The curb ramp has slope that exceeds 8.33% and side flares exceeding 10% slope	Provide ADAAG-compliant curb ramp
10. Entry Walk (to Unit #101-2, Bldg. 606)	There is a level change at the walkway that exceeds ½" high and lacks a ramp transition	Level existing concrete to ½" high
11. Curb Ramp at Accessible Stalls C & D , near Bldg. 606	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10%	Provide ANSI-compliant curb ramp
12. Curb Ramp (at corner of Bldg. 606)	The curb ramp has slopes that exceed 8.33% and lacks a level landing at the top of the ramp	Provide ANSI-compliant curb ramp at northwest corner of Bldg. 606 (facing Bldg. 616); replace portion of walkway to provide level landing at top of curb ramp

## APPENDIX E

13. Main Walkway (between Bldgs. 606 & 608)	The cross-slopes at (most of) walkway exceed 2.0%	Modify cross-slope to no greater than 2%
14. Curb Ramp (at corner of Bldg. 608)	The curb ramp has slopes that exceed 8.33% and lacks a level landing at the top of the ramp	Provide ANSI-compliant curb ramp at southwest corner of Bldg. 608 (facing Bldg. 614); replace portion of walkway to provide level landing at top of curb ramp
15. Accessible Route from Curb Ramp at corner of Bldg. 608 to Trash Areas near Bldg. 608	The cross-slopes at (a few portions of) the accessible route at the street leading to the trash bin exceed 2.0%	Install ANSI-compliant accessible route (including leveling and repaving asphalt surface as needed) to trash area from Bldg. 608
16. Curb Ramp (at Unit Entry #101-2, Bldg. 608)	The curb ramp has slopes that exceed 8.33%	Make retrofits noted in Item 14, above; ensure ANSI-compliant accessible route at existing curb ramp in front of Unit # 101-2, Bldg. 608
17. Main Walkway (at corner of Bldg. 608 to entry of Unit #101, Bldg. 608)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify cross-slope to no greater than 2%
18. Entry Walk (to Unit #103-4, Bldg. 608)	There is a level change at the walkway that exceeds ½" high and lacks a ramp transition	Level existing concrete to ½" high

## APPENDIX E

19. Curb Ramp (near Unit Entry #101-2, Bldg. 610)	The curb ramp has slopes that exceed 8.33%	Provide ANSI-compliant curb ramp
20. Entry Walk (to Unit Entry #101-2, Bldg. 610)	The slope at (a portion of) the entry walkway exceeds 5.0% and lacks level landings at bottom of the ramp	Modify slope to no greater than 5.0% or provide ANSI- compliant ramp
21. Main Walkway (at corner near Unit #101, Bldg. 612)	The slope at (portions of) the entry walkway exceeds 5.0% and lacks level landing at top of the ramp	Modify slope to no greater than 5.0% or provide ANSI- compliant ramp
22. Accessible Stall E (near Bldg. 612)	The accessible stall lacks an access aisle and curb ramp	Provide ANSI-compliant accessible parking stall east of entry walk to Units 101-2 at Bldg. 612
23. Curb Ramp (in front of Entry Walk to Unit 101-2, Bldg. 612)	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10.0%	Provide ANSI-compliant curb ramp
24. Main Walkway (between Unit Entry #101-2 & #103-4, Bldg. 612)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%



## APPENDIX E

25. Curb Ramp (in front of Entry Walk to Unit #103-4, Bldg. 612)	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10.0%	Make retrofits noted in Item 23, above; ensure ANSI-compliant accessible route at existing curb ramp in front of Unit 103-4, Bldg. 612
26. Curb Ramp (in front of Entry Walk to Unit #101-2, Bldg. 614)	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10.0%	Make retrofits noted in Item 28, below; ensure ANSI-compliant accessible route at existing curb ramp in front of Unit 101-2, Bldg. 614
27. Main Walkway (between Unit Entry #101-2 & #103-4, Bldg. 614)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
28. Curb Ramp (in front of Entry Walk to Unit 103-4, Bldg. 614)	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10.0%	Provide ANSI-compliant curb ramp
29. Entry Walk (to Unit #103-4, Bldg. 614)	The slope at (a portion of) entry walkway exceeds 5.0% and lacks level landings at bottom of the ramp	Modify slope to no greater than 5.0% or provide ANSI-compliant ramp
30. Entry Walk (in front of Unit #104, Bldg. 614)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX E

31. Entry Walkway (between side of Bldg. 614 to curb ramp at Bldg. 614)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
32. Curb Ramp (at side of Bldg. 614)	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10.0%	Provide ANSI-compliant curb ramp
33. Side Walkway (from curb ramp at Bldg. 614 to Play Area)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
34. Accessible Route (from Bldg. 616 to Play Area)	There is no accessible route from the covered units at Bldg. 616 to the Play Area (site amenity) because there is no continuous walkway from the corner of Bldg. 616 to the Play Area	Install ANSI-compliant accessible route (a new concrete walkway) from northeast corner of Bldg. 616 to the Play Area
35. Curb Ramp (at the corner of Bldg. 616, near Unit #101)	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10.0%	Provide ANSI-compliant curb ramp at northeast corner of Bldg. 616 (near Unit #101)
36. Main Walkway (in front of Unit #101, Bldg. 616)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX E

37. Curb Ramp (in front of Entry Walk to Unit #101-2, Bldg. 616)	The curb ramp has slopes that exceed 8.33%	Provide ANSI-compliant curb ramp at in front of entry walk to Unit #101-2, Bldg. 616
38. Main Walkway (between Entry to Unit #101-2 and #103-4, Bldg. 616)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
39. Curb Ramp (in front of Entry Walk to Unit #103-4, Bldg. 616)	The curb ramp has slopes that exceed 8.33% and side flares that exceed 10.0%, and lacks a level landing at the top of the ramp	Make retrofits noted in Item 37, above; ensure ANSI-compliant accessible route at existing curb ramp in front of entry walk to Unit 103-4, Bldg. 616
40. Trash Area, near Bldg. 616 – & Typical	The force used to operate (open) the trash container lid exceeds five pounds of force	Owner will provide exterior residential trash container at each Trash Area, adjacent to the accessible route

## APPENDIX E

41. Accessible Route to Curb Ramps – Typical at all Curb Ramps located at Unit Entry to Bldgs.

There is no accessible route from the covered units to the common-use areas located across the vehicular way curb ramp because the curb ramps can be blocked when cars are parked at the stalls located at the head of each curb ramp

Stripe or restripe as appropriate to provide minimum 36" accessible route leading from curb ramp to the vehicular way at the following curb ramp locations:

- Bldg. 612 (between units 101-2)
- Bldg. 614 (between units 103-4)
- East of Bldg. 614 (near unit 104)
- Southwest of Bldg. 608 (near unit 101)
- Bldg. 616 (between units 101-2)
- Northeast of Bldg. 616 (near unit 101)
- Northwest of Bldg. 606 (near unit 104)
- Bldg. 606 (between units 102-3)
- Front of Office/Clubhouse
- Bldg. 608 (between units 101-2)
- Bldg. 610 (between units 101-2)

42. Garage/Storage Areas

Garage/Storage Areas are not accessible because doors can be opened only manually (and manual operating mechanism is not in an accessible location)

Owner will modify apartment rules to make clear that an automatic opener will be provided upon request by a resident

UNIT TYPE 1 – 2 BR/1 BA  
STANDARD

## APPENDIX E

43. Closet (off Hall) Door – Clear Opening Width	The closet lacks a nominal 32" clear opening width	Bring rod and shelf within 12" of door trim piece; install brackets for shelf at 48" height for lowering upon request of resident
44. Kitchen – Clear Floor Space	The kitchen lacks sufficient clear floor space at the sink	Install removable base cabinets under the kitchen sinks in six units
45. Bathrooms (off Hall) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 4 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing- It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units

### UNIT TYPE 2 – 2 BR/1 BA (SEC. 504 (HC) UNIT)

46. Kitchen – Clear Floor Space	The kitchen lacks sufficient clear floor space at the sink	Install removable base cabinets under the kitchen sinks in both Section 504 (HC) units
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## APPENDIX E

47. Closet (off Hall) Door – Clear Opening Width	The closet lacks a nominal 32" clear opening width	Bring rod and shelf within 12" of door trim piece; install brackets for shelf at 48" height for lowering upon request of resident
48. UFAS: Bathroom – Grab Bars at Toilet	The side grab bar (at the toilet) is too short	Install a side grab bar at toilet that extends from the back wall to the door frame
49. UFAS: Bathroom – Seat at Bathtub	The bathtub lacks a fixed or portable seat located within the tub	Acquire two portable seats that can be secured upon request of the resident <b>[DEFS. TO PROVIDE PRODUCT INFO.]</b>
50. UFAS: Lavatory	The lavatory lacks insulation at hot water and drain pipes	Provide insulation at lavatory pipes
51. UFAS: Closet (off Hall) – Clothes Rod	The closet rod is mounted too high	Install brackets at 48" height for lowering of rod upon request of the resident

### UNIT TYPE 3 – 3 BR/2 BA

## APPENDIX E

52. Closet (off Hall) Door – Clear Opening Width	The closet lacks a nominal 32" clear opening width	Bring rod and shelf within 12" of door trim piece; install brackets for shelf at 48" height for lowering upon request of resident
53. Kitchen – Clear Floor Space	The kitchen lacks sufficient clear floor space at the sink	Install removable base cabinets under the kitchen sinks in two units
54. Bathroom (off Master Bedroom) – Toilet	The toilet is mounted too close to the bathtub	Install offset flange so that centerline of toilet is no more than 18" from the tub
55. Bathrooms (off Hall & Master Bedroom) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 45, above

## APPENDIX F

### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Country Club Apartments
Defendants.	)	Nampa, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co. and Ziegler-Tamura Ltd., Co. (or its successor(s)) shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Country Club Apartments, in Nampa, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<b><u>PUBLIC AND COMMON USE AREAS</u></b>		
1. Manager’s Unit – Mail Drop Box	The exterior mailbox (wall-mounted at Manager’s Unit) is mounted above maximum 54" high (measured from latch) above the finished floor	Lower mailbox so that latch is no higher than 48" to 54" from the ground



## APPENDIX F

2. Mailbox (between Bldg. 412 & 420)	The mailboxes (top row) are mounted to high	Reassign covered units to mailboxes on lower rows as requested by resident; obtain letter from Postmaster agreeing to this; ensure that all brochures and apartment policy statements state that this option is available to residents upon request
3. Main Walkway (in front of southeast side of Bldg. 420)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
4. Accessible Parking #1 (adjacent to Garage at between Bldg. 412 & 420)	The accessible parking stall (surface stall) lacks an accessible aisle. Note that existing location of surface stall has limited available space for new access aisle (new access aisle would encroach on existing vehicular way)	Relocate dumpster and two accessible parking spaces to provide access aisles on accessible routes to covered units (also addresses Item 8, below)
5. Entry Walk (to south side of Bldg. 412)	The slope at (most of) walkway exceed 8.33%, which is a non-compliant ramp	Modify slope to 8.33% and install ramp features consistent with ANSI or regrade walkway to no more than 5% slope with no ramp features
6. Main Walkway (in front of west side of Bldg. 3)	The cross-slope at (most of) walkway exceeds 2%	Modify cross-slope to no greater than 2%

## APPENDIX F

7. Curb Ramp (in front of west side of Bldg. 3)	The curb ramp (accessible route from Bldg. 3 to public sidewalk/street) is located within a parking stall (accessible route is not usable because the curb ramp is blocked by parked car)	Stripe 36" wide access aisle at curb ramp
8. Accessible Parking #3 (at carport parking across street from Bldg. 412)	The accessible parking stall (carport stall) lacks an access aisle. Note that existing location of carport stall has limited available space for new access aisle due to location of Mailboxes and Trash Area	Make retrofits noted in Item 6, above
9. Accessible Route (at Main Walkway in front of north side of Bldg. 412 & at Main Walkway in front of Bldg. 3)	The walkway (accessible route located directly in front of surface stalls) may lack a less than 36" width when cars are parked within stalls. As observed, cars, when parked, overhang into the accessible route because the stalls lack wheel stops located at the head of each stall	Provide new wheel stops at heads of parking stalls to ensure that parked cars do not reduce width of accessible route to less than 36"
	<u>BLDG. TYPE A – 2 BR/1 BA</u> <u>(SURVEYED SAMPLE</u> <u>UNIT #103, BLDG. 412)</u>	
10. Thermostat	The thermostat (measured at controls) is mounted too high	Lower thermostat to maximum 48" high (measured at controls) from floor

## APPENDIX F

11. Kitchen – Clearance	The kitchen lacks the minimum 40" required clearance between the cabinets and the refrigerator; between the range and the dishwasher; and between opposing cabinets	Install removable base cabinets under the kitchen sinks in 4 units (of different unit types)
12. Bathroom – Clear Floor Space	The bathroom lacks 30" x 48" clear floor space beyond the swing of the door because the toilet encroaches on the available clear floor space; the toilet fixture measures at 26-1/2" from front edge of toilet to wall, meaning that the required 48" x 60" clear floor space provided at the bathtub does not allow the 30" x 48" bathtub maneuvering space; the toilet fixture is too close to the bathtub	Relocate toilet fixture back toward wall with centerline of fixture 18" from the bathtub to provide minimum 30" x 48" clear floor space at the fixtures and beyond the swing of the door; if still insufficient space, then re-swing door as well
13. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least two units

UNIT TYPE B – 2 BR/1 BA

## APPENDIX F

14. Primary Entry Door – Threshold	The entry door threshold has a level change (between interior and exterior surfaces) that exceeds ½"; the entry door has a threshold (measured from exterior surface to the top of threshold) that exceeds 1-1/4"	Modify threshold (with flange) to no more than ½" on inside and 1-1/4" on outside
15. Thermostat	The thermostat (measured at controls) is mounted too high	Lower thermostat to maximum 48" high (measured at controls) from floor
16. Kitchen Clearance	The kitchen lacks the minimum 40" required clearance between the range and the dishwasher, and between opposing cabinets; the kitchen lacks the minimum required 30" x 48" clear floor space centered-on appliance at the dishwasher and the refrigerator	Make retrofits noted in Item 11, above
17. Bathroom – Toilet Fixture	The toilet fixture is too close to the bathtub	If toilet is less than 16" from centerline to bathtub, install offset flange at resident request; ensure that all brochures and apartment policy statements state that this option is available to residents upon request
18. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 13, above

**APPENDIX F**

19. Bathroom –  
Lavatory Clear Floor  
Space

The lavatory lacks the  
minimum required 30" x 48"  
clear floor space centered-on  
the lavatory

Install removable base  
cabinets under the bathroom  
sinks in 4 units (of different  
unit types)

UNIT TYPE C – 1 BR/1 BA

20. Thermostat

The thermostat (measured at  
controls) is mounted too high

Lower thermostat to  
maximum 48" high (measured  
at controls) from floor

21. Kitchen – Clear  
Floor Space

The kitchen lacks the  
minimum required 30" x 48"  
clear floor space centered-on  
appliance at the dishwasher

Make retrofits noted in Item  
11, above

22. Bathroom –  
Lavatory Clear Floor  
Space

The lavatory lacks the  
minimum required 30" x 48"  
clear floor space centered-on  
the lavatory; the toilet fixture  
is too close to the bathtub; the  
toilet fixture lacks the  
required overall dimension of  
33" width (measured from the  
edge of the lavatory cabinet to  
the edge of the bathtub)

Make retrofits noted in Items  
17 & 19, above

23. Bathroom –  
Grab Bar  
Reinforcing

Inspector was unable to verify  
existence of required grab bar  
reinforcement (within wall  
construction) at toilet fixture  
and bathtub

Make retrofits noted in Item  
13, above

**APPENDIX G**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Donegal Bay Apartments
Defendants.	)	Rexburg, Idaho
_____	)	

The parties agree that Defendants Links Properties, LLC, Donegal, L.P. and Wilson Architectural shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Donegal Bay Apartments in Rexburg, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
	<u>PUBLIC AND COMMON USE AREAS</u>	
1. Leasing Office- Exterior Entry Door	The location of a (moveable) exterior planter encroaches on the required 18" maneuvering space at the pull-side of the door	Relocate or remove the planter to afford the required 18" maneuvering space at the pull-side of the door

## APPENDIX G

2. Leasing Office- Entry Door Area	The entry door vestibule area has an interior mat (at Mailbox area) that is an unstable surface	Remove interior mat; <b>any replacement mat must have a manufacturer's certification that the mat meet ADA regulations</b>
3. Leasing Office- Brochure Rack	The brochure rack is mounted too high	Reduce the rack to no higher than 54"
4. Leasing Office- Restroom Door	The restroom door lacks accessibility signage that is mounted at 60" high and located at the latch side of the door	Provide 1 sign with the International Symbol of Accessibility that is mounted at 60" high and located at the latch side of the door
5. Leasing Office- Restroom Door	The entry door lacks the required 48" maneuvering space perpendicular to the door and 24" at the latch side of the door because the (moveable) file cabinets encroach on the required space	Remove and/or relocate file cabinets to provide required 48" maneuvering space at the door
6. Leasing Office- Restroom	The lavatory lacks accessible faucet hardware	Replace existing faucet with accessible lever-type faucet hardware
7. Leasing Office- Restroom	The lavatory lacks insulation (pipe-wrapping) at hot water and drain pipes	Provide insulation at exposed lavatory pipes
8. Leasing Office- Restroom	The mirror is mounted too high	Lower the mirror to no higher than 40"

## APPENDIX G

9. Leasing Office-Restroom	The restroom lacks the required minimum 60" diameter unobstructed turnaround space within the room because the (moveable) file cabinets encroach on the space	Remove and/or relocate the file cabinets to provide the required minimum 60" turnaround space within the restroom
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### ACCESSIBLE ROUTES

10. Main Walkway (to Leasing Office)	The cross-slope at (three concrete squares of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
11. Curb Ramp (at Stalls #1 & #2)	There is a change in level between the (asphalt) parking area and the (concrete) curb ramp that exceeds 1/4" high and lacks a 1:2 beveled edge	Provide a 1:2 beveled transition
12. Main Walkway (in front of Unit 7)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
13. Main Walkway (in front of Units 8-11)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
14. Accessible Route from Units 27-32 to Trash Area)	There is no accessible route from Units 27 & 32 to the Trash Area because there is a walkway that lacks a curb ramp	Create ANSI-compliant curb ramp along accessible route to trash area



## APPENDIX G

15. Main Walkway (in front of Unit 27-31)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
16. Main Walkway (in front of Unit 32)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
17. Accessible Parking #1 & #3	The accessible stall lacks a sign (located at the head of the stall and mounted at a height not to be obscured by a parked car within the stall) indicating the International Symbol of Accessibility	Provide International Symbol of Accessibility sign at the head of the stall and mounted at a height so as not to be obscured by a parked car within the stall
18. Primary Entry Door-Hardware – Unit Type 1 - 3 BR, 2 BA - Standard	The entry door lacks accessible door hardware (existing hardware requires gripping or twisting to operate)	Replace existing hardware with new accessible lever-type hardware
<u>UNIT TYPE 1 -3 BR, 2BA -STANDARD</u>		
19. Thermostat	The thermostat is mounted too high	Lower the thermostat to maximum 48" high (measured to controls)
20. Exterior Electrical Outlet- Typ.	The outlets (typical at exterior) are too low	Install 4 outlets per unit so that the lowest outlet is at least 15" above the floor (measured from the centerline of lowest outlet to floor)

## APPENDIX G

21. Bathroom Door (off Master Bedrm)	The interior door lacks a nominal 32" opening	Widen opening width to nominal 32"
22. Bathroom (off Master Bedrm)- Grab Bar Reinforcing	Inspector unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and shower. The reviewed drawings do not indicate grab bar installation; grab bars were not observed on site	<b>Test one random unit in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub of the tested unit, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least two units</b>
23. Bathroom (off Hall) [Spec. B Bathrm]- Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach because the toilet fixture encroaches on the space	Install removable base cabinets under sinks
24. Bathroom (off Hall) [Spec. B Bathrm]- Grab Bar Reinforcing	Inspector unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub. The reviewed drawings do not indicate grab bar installation; grab bars were not observed on site	Make retrofits noted in Item 22, above

## APPENDIX G

### UNIT TYPE 1 - HC -3BR, 2BA ACCESSIBLE

25. Thermostat	The thermostat is mounted too high	Lower the thermostat to maximum 48" high (measured to controls)
26. Bathroom Door (off Master Bedrm)	The interior door lacks a nominal 32" opening	Widen opening width to nominal 32"
27. Bathroom (off Master Bedrm)- Grab Bar Reinforcing	Inspector unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and shower. The reviewed drawings do not indicate grab bar installation; grab bars were observed on site	Make retrofits noted in Item 22, above
28. Bathroom (off Hall) [Spec. B Bathrm]- Grab Bar Reinforcing	Inspector unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub. The reviewed drawings do indicate grab bar installation; grab bars were observed on site	Make retrofits noted in Item 22, above

## APPENDIX H

### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Mallard Cove Apartments
Defendants.	)	Caldwell, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co., Centurion Properties, LLC, Mallard Cove, L.P. and Hubble Engineering shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Mallard Cove Apartments, in Caldwell, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS AND ACCESSIBLE ROUTES</u>		
1. Leasing Office Entry Door – Threshold	The exterior threshold exceeds ½" high	Replace the threshold with a ½" high threshold with a 1:2 beveled transition

## APPENDIX H

2. Laundry Building – Entry Door Threshold	The exterior threshold exceeds ½" high	Replace the threshold with a ½" high threshold with a 1:2 beveled transition
3. Laundry Building – Washing Machines	The 4 washing machines (at the common-use laundry room) are not the required front-loading type	Install one front-loading washing machine
4. Laundry Building – Fire Extinguisher Cabinet	The fire extinguisher cabinet is mounted too high	Lower the fire extinguisher cabinet so that the top edge of the cabinet is no higher than 54" from the floor
5. Curb Ramp #1 (at corner near Bldg. 322 and Public Street)	The slope at the curb ramp (accessible route to the public street (Locust Street)) exceeds 8.33%	Provide ANSI-compliant curb ramp
6. Main Walkway (from Fire Lane #4 near Bldg. 322 to curb ramp at Public Street)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
7. Main Walkway (between Units #102 & 103, Bldg. 322)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX H

8. Curb Ramp (in front of entry walkway between Bldg. 322 & Bldg. 318)	The curb ramp has a slope that exceeds 8.33%	Provide ANSI-compliant curb ramp
9. Curb Ramp (in front of entry walkway between Bldg. 322 & Bldg. 318)	The curb ramp (accessible route) is less than 36" wide	Provide new minimum 36"-wide ANSI-compliant curb ramp with slope no greater than 8.33% and side flares no greater than 10%
10. Accessible Route (from Units at Bldg. 322 & Bldg. 318 to Laundry Room, Mailbox Area and Trash)	There is no accessible route from the covered units to the laundry room, mailbox area and trash bin, because cars may park in front of the curb ramp located between Bldgs. 322 & 318	Install "No parking" sign in front of the curb ramp and restripe stalls at the head of the curb ramp to provide 36" accessible route leading from the curb ramp to the vehicular way
11. Accessible Route (from Units at Bldg. 322 & 318 to BBQ/Picnic Area)	There are no accessible routes from the covered units to the bbq/picnic area (site amenities) because there are no walkways to these areas	Add a new concrete walkway connecting the main walkway to the picnic area
12. Main Walkway (between Unit #102 & Unit #103, Bldg. 318)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX H

13. Entry Walkway (between Bldg. 318 & Bldg. 314)	The cross-slope at (few portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
14. Accessible Route (from Units at Bldg. 318 & 314 to BBQ/Picnic Area)	There are no accessible routes from the covered units to the bbq/picnic area because there are no walkways to this area	Add a new concrete walkway connecting the main walkway to the picnic area
15. Accessible Route (at Fire Lane between Bldg. 318 & Bldg. 314)	The fire lane, which is the accessible route from the covered units to the laundry building, mailbox area and trash bin, does not provide 36"-wide pathway in all places	Ensure ANSI-compliant 36"-wide accessible route along fire lane
16. Entry Walkway (between Bldg. 314 & Bldg. 312)	The cross-slope at (1 concrete square of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
17. Accessible Route (from Units at Bldg. 314 & 312 to BBQ/Picnic Area)	There are no accessible routes from the covered units to the bbq/picnic area because there are no walkways to this area	Add a new concrete walkway connecting the main walkway to the picnic area
18. Accessible Route to Play Area	There is no accessible route from the covered units to the play area (sandbox) because there is no walkway	Add an ANSI-compliant concrete walkway to the play area

## APPENDIX H

19. Main Walkway (in front of Bldg. 312)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
20. Main Walkway (in front of Bldg. 310)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
21. Accessible Stall A (near corner of Bldg. 310)	The accessible stall lacks a compliant sign with the International Symbol of Accessibility	Install sign with the International Symbol of Accessibility, mounted so that the bottom edge is no lower than 60" from the ground
22. Entry Walkway (to Unit Entry #103- 4, Bldg. 306)	The slope at (most of) entry walkway exceeds 5.0% and lacks level landings at the top and bottom of the ramp	Modify slope to no greater than 5.0% or provide ANSI- compliant ramp
23. Accessible Route (from Units at Bldg. 306 & Bldg. 304 to Trash Area located at corner near Unit #103, Bldg. 306)	There are no accessible routes from the covered units to the Trash Area because there are curbs with no curb ramps at the main walkways at each building, and there are no accessible parking stall curb ramps nearby	Provide ANSI-compliant curb ramp at the main walkway near Unit #104, Bldg. 304; provide ANSI-compliant curb ramp at the main walkway near Unit #103, Bldg. 306



## APPENDIX H

24. Accessible Route (from Units at Bldg. 306 to BBQ/Picnic Area located near Unit #103, Bldg. 306)	There are no accessible routes from the covered units to the bbq/picnic area because there are no walkways to this area	Add a new concrete walkway connecting the main walkway to the picnic area
25. Accessible Parking Stall B (near Bldg. 306)	The sign located at the head of the accessible parking stall is mounted too low and can be obscured by a parked car within the stall	Raise sign so that the bottom edge is no lower than 60" from the ground
26. Curb Ramp (at Accessible Stall B, near Bldg. 306)	The curb ramp has slopes that exceed 8.33% and lacks level landings at the top of the curb ramp	Provide ANSI-compliant curb ramp
27. Main Walkway (in front of Unit #102, Bldg. 306 to Mailbox Area/ Laundry Bldg.)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX H

28. Accessible Route to Mailbox Area	There is no accessible route from the covered units (at all Bldgs.) to the Mailbox Area because the mailboxes are located one step up from the street level and there is less than a 36"-wide accessible route at the side walkway to the mailboxes; the fixed newspaper stand reduces the width	Provide ANSI-compliant accessible route from west end of Bldg. 306 to mailboxes; remove or relocate newspaper stand; if removing or relocating the stand does not result in a 36"-wide sidewalk, then a 36"-wide sidewalk must be provided
29. Accessible Route to the Laundry Bldg. Entry	The walkway (leading from the main walkway in front of Unit #102, Bldg. 306 to the Laundry Bldg. Entry has (portions of) walkway with slopes that exceed 8.33%	Modify slope to no greater than 8.33% and install ANSI-compliant ramp
30. Entry Walk (to Units #101-2, Bldg. 306)	The slope at (most of) entry walkway exceeds 8.33%	Modify slope to no greater than 8.33% and install ANSI-compliant ramp
31. Main Walkway (between Entry Walkway to Units #101-2, Bldg. 306 to corner near Unit #101, Bldg. 306)	The cross-slope at (few portions of walkway) exceed 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX H

32. Accessible Route (from Units #101 & 104 at Bldg. 306 to Trash Bin)	There is no accessible route from the covered units to the trash bin because cars may park in front of the curb ramp located at the side of Bldg. 306	Install “No parking” sign in front of the curb ramp and restripe stalls at the head of the curb ramp to provide 36" accessible route leading from the curb ramp to the vehicular way that leads to the Trash Bin
33. Main Walkway (in front of Bldg. 304)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
34. Accessible Route (at Fire Lane at Bldg. 304)	The fire lane, which is the accessible route from the covered units to the laundry building and mailbox area across the drive, does not afford 36"-wide pathway in all places	Provide ANSI-compliant 36"-wide accessible route along fire lane
35. FHA Accessible Parking (at Leasing Office Parking Area)	There is no van-accessible stall provided at the Leasing Office Area	Provide an ADAAG-compliant van-accessible parking space and accessible aisle and provide an accessible route from that space to the leasing office
36. FHA Accessible Parking – Range of Options Required (Residents Parking Area)	There is no accessible parking stall in the carport	Provide one ANSI-compliant accessible carport stall

## APPENDIX H

37. Underside of Stairs – Typ. at Bldgs.	At each building, the underside of stairs are a protruding object (below 80” from the finished floor) on the accessible route to the Units	Install ANSI-compliant cane detection railing mounted no higher than 27" surrounding the underside of stairs at each building entry
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### UNIT TYPE A – 1 BR/1 BA

38. Storage Room – Baseboard Heater Control	The heater-mounted thermostat control is mounted too low	Raise thermostat to 15" high (measured at controls) from floor
39. Kitchen – Clear Floor Space	The kitchen lacks the minimum 40" between opposing appliance and wall	Install removable base cabinets under the kitchen sinks in four units
40. Bathroom – Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach; the lavatory lacks 48" clear floor space for a parallel approach, including available toe space at toilet	Install removable base cabinets under the bathroom sinks in eight units and ensure 30" width; modify lavatory bases to create 30" clear width with removable cabinets
41. Bathroom – Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door	Reverse swing of door so that door swings out

## APPENDIX H

42. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 4 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units
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### UNIT TYPE B – 2 BR/1 BA

43. Thermostat	The thermostat is mounted too high	Lower thermostat to 48" high (measured at controls) from floor
44. Storage Room – Baseboard Heater Control	The heater-mounted thermostat control is mounted too low	Raise thermostat to 15" high (measured at controls) from floor
45. Bathroom – Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach	Install removable base cabinets under the bathroom sinks in four units

## APPENDIX H

46. Bathroom – Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door	Reverse swing of door so that the door swings out
47. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 42, above

### UNIT TYPE C – 3 BR/2 BA

48. Kitchen – Clear Floor Space	The kitchen lacks the minimum 40" between opposing appliance and wall	Install removable base cabinet under the kitchen sink in one unit
49. Closet Door (off Hall) – Clear Opening Width	The closet lacks a nominal 32" clear opening width	Bring rod and shelf within 12" of door trim piece; install brackets for shelf at 48" height so that shelf can be lowered to 48" at the option of a current or future resident

## APPENDIX H

50. Bathroom (off Hall) [Spec. A] – Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach; the lavatory lacks 48" clear floor space for a parallel approach, including available toe space at toilet	Install removable base cabinets under the off-hall bathroom sinks in four units and ensure that the cabinets are no more than 30" wide; modify lavatory bases to create 30" clear width with removable cabinets
51. Bathroom (off Hall) [Spec. A] – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 42, above
52. Bathroom (off Master Bedroom) [Spec. A] – Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door	Reverse swing of door so that the door swings out
53. Bathroom (off Master Bedroom) [Spec. A] – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 42, above

# APPENDIX I

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Park Hill Apartments
Defendants.	)	Boise, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co. and Ziegler-Tamura Ltd. Co. (or its successor(s)) shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Park Hill Apartments, in Boise, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Accessible Route to Mailbox Area (from Bldg. 2501-A)	There is no accessible route to mailbox area from main walkway on east end of Bldg. 2501-A because the walkway lacks a curb ramp	Provide ANSI-compliant accessible route and curb ramp at walkway at southwest corner of Bldg. 2525 (near trash enclosure #1)



## APPENDIX I

2. Accessible Route to Entry to Units at Bldg. 2525-B	There is no accessible route to the entry of two Type-B units at north side of Bldg. 2525-B because there are steps with no ramp	Provide an ANSI-compliant accessible route to the entry of units
3. Accessible Route to Entry to Units at Bldg. 2525-B	There is no accessible route to the entry of two Type-A units at east side of Bldg. 2525-B because there are steps with no ramp	Provide an ANSI-compliant accessible route to the entry of units
4. Main Walkway (at north side of Bldg. 2525-B)	The cross-slopes at (most of) walkway exceed 2.0%	Provide an ANSI-compliant accessible route to the entry of units
5. Main Walkway (at northeast side of Bldg. 2525-B)	The cross-slopes at (most of) walkway exceed 2.0%	Provide an ANSI-compliant accessible route to the entry of units
6. Main Walkway (at southeast side of Bldg. 2525-B)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify cross-slope to no greater than 2%
7. Main Walkway (in front of Accessible Parking #3)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify cross-slope to no greater than 2%
8. Main Walkway (at east side of Bldg. 2501-A)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX I

9. Entry Walk (to south side of Bldg. 2525-B)	The running slope at (portions of) walkway exceed 5.0%	Modify slope to no more than 8.33% and install ANSI-compliant ramp, or modify walkway to no more than 5.0% with no ramp
10. Accessible Route (in front of parking stalls at Bldg. 2501)	The walkway (accessible route located directly in front of surface parking stalls) is reduced to less than 36" width when cars are parked within stalls because stalls lack wheel stops	Provide new wheel stops at heads of parking stalls at locations where parked cars could reduce width of accessible route to less than 36"
11. Accessible Parking #1 (at west side of Bldg. 2501-A)	The accessible stall lacks an access aisle	Install ANSI-compliant 5'-0" wide access aisle with striping
12. Curb Ramp (at Accessible Parking #1)	The curb ramp lacks compliant side slopes (maximum 1:10) or edge protection	Provide ANSI-compliant side flare or edge protection at future access aisle side of accessible parking stall (see Item 11, above)
<u>UNIT TYPE A – 1 BR, 1 BA</u>		
13. Electrical Outlet – Typ.	The outlets (typical at interior) are too low	Raise 1 outlet per room so that the lowest outlet is at least 15" above the floor (measured from the finished floor to the centerline of lowest outlet)

## APPENDIX I

14. Exterior Patio Door	The exterior patio door lacks a nominal 32" opening	Install Swing-Clear hinges to provide a nominal 32" opening
15. Kitchen – Clear Floor Space at Appliances (Dishwasher, Range)	The kitchen lacks the minimum required 30" x 48" clear floor space centered on appliance at the dishwasher and range	Install removable base cabinets under the kitchen sinks in four ground-floor units of different unit types
16. Closet Door (off Bedroom)	The interior door lacks a nominal 32" opening	Widen closet door to provide a nominal 32" opening
17. Bedroom Door	The interior door lacks a nominal 32" opening	Widen bedroom door to provide nominal 32" opening
18. Bathroom – Clear Floor Space	The bathroom lacks the minimum required 30" x 48" clear floor space beyond the swing of the door	Reverse the swing of the door to out-swinging door
19. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 2 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least two units

## APPENDIX I

20. Bathroom –  
Lavatory Clear Floor  
Space

The lavatory lacks the minimum required 30" x 48" clear floor space centered on the lavatory

Install removable base cabinets under the bathroom sinks in four units (the same four units selected for Item 15, above)

### UNIT TYPE B – 1 BR, 1 BA

21. Electrical Outlet  
– Typ.

The outlets (typical at interior) are too low

Raise 1 outlet per room so that the lowest outlet is at least 15" above the floor (measured from the finished floor to the centerline of lowest outlet)

22. Exterior Patio  
Door

The exterior patio door lacks a nominal 32" opening

Install Swing-Clear hinges to provide a nominal 32" opening

23. Kitchen – Clear  
Floor Space at  
Appliances  
(Dishwasher, Range)

The kitchen lacks the minimum required 30" x 48" clear floor space centered on appliance at the dishwasher and range

Make retrofits noted in Item 15, above

24. Closet Door (off  
Bedroom)

The interior door lacks a nominal 32" opening

Widen closet door to provide a nominal 32" opening

25. Bathroom –  
Clear Floor Space

The bathroom lacks the minimum required 30" x 48" clear floor space beyond the swing of the door

Reverse the swing of the door to out-swinging door

## APPENDIX I

26. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 19, above
27. Bathroom – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30" x 48" clear floor space centered on the lavatory	Make retrofits noted in Item 20, above
<u>UNIT TYPE B (HC) – 1 BR, 1 BA ACCESSIBLE</u>		
28. Electrical Outlet – Typ.	The outlets (typical at interior) are too low	Raise 1 outlet per room so that the lowest outlet is at least 15" above the floor (measured from the finished floor to the centerline of lowest outlet)
29. Kitchen – Clear Floor Space at Appliances (Dishwasher, Range)	The kitchen lacks the minimum required 30" x 48" clear floor space centered on appliance at the dishwasher and range	Make retrofits noted in Item 15, above
30. Bathroom – Clear Floor Space	The bathroom lacks the minimum required 30" x 48" clear floor space beyond the swing of the door	Reverse the swing of the door so that door swings out.

## APPENDIX I

31. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 19, above
32. Bathroom – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30" x 48" clear floor space centered on the lavatory	Make retrofits noted in Item 20, above
<u>UNIT TYPE B (MODIFIED)</u> <u>– 2 BR, 1 BA</u>		
33. Electrical Outlet – Typ.	The outlets are too low	Raise 1 outlet per room so that the lowest outlet is at least 15" above the floor (measured from the finished floor to the centerline of lowest outlet)
34. Exterior Patio Door	The exterior patio door lacks a nominal 32" opening	Install Swing-Clear hinges to provide a nominal 32" opening
35. Closet Door (off Bedroom)	The interior door lacks a nominal 32" opening	Widen door to provide a nominal 32" opening
36. Bedroom Door	The interior door lacks a nominal 32" opening	Widen door to provide a nominal 32" opening

## APPENDIX I

37. Kitchen – Clear Floor Space at Appliances (Dishwasher, Range)	The kitchen lacks the minimum required 30" x 48" clear floor space centered on appliance at the dishwasher and range	Make retrofits noted in Item 15, above
38. Connecting Threshold and Door (between Dining and Living Areas)	The interior door lacks a nominal 32" clear opening width; the level change at threshold exceeds ½"	Widen door to provide a nominal 32" clear opening width; bevel threshold to ½" level
39. Bathroom – Clear Floor Space	The bathroom lacks the minimum required 30" x 48" clear floor space beyond the swing of the door	Reverse the swing of the door so that door swings out.
40. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 19, above
41. Bathroom – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30" x 48" clear floor space centered on the lavatory	Make retrofits noted in Item 20, above

## APPENDIX J

### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Parkwood Apartments
Defendants.	)	Nampa, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co., Centurion Properties, LLC, Parkwood L.P. and Hubble Engineering, Inc. shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Parkwood Apartments, in Nampa, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Leasing Office - Entry Door	The exterior threshold exceeds ½ " high	Replace the threshold with a ½" high threshold with a 1:2 beveled transition
2. Laundry Building - Entry Door - Hardware	The door lacks compliant accessible door hardware at the interior and exterior sides	Install lever-type compliant hardware



## APPENDIX J

3. Laundry Building - Entry Door - Threshold	The threshold at the door exceeds 1/2" high	Replace the threshold with a 1/2" high threshold with a 1:2 beveled transition
4. Laundry Building - Entry Door - Maneuvering Space	The door lacks the required 60" perpendicular to the pull-side of the door because the angled concrete landing is too shallow (measures at 54")	Add concrete to provide 60" maneuvering space perpendicular to the door
5. Laundry Building - Washing Machines	The 4 washing machines (at the common-use laundry room) are not the required front-loading type (observed machines are top loading washers)	Install one front-loading washing machine
6. Van-Accessible Stall A (near Leasing Office at Unit #104, Bldg. 1817)	The van-accessible stall lacks a compliant sign with the International Symbol of Accessibility and Van-Accessible designation.	Install compliant sign with the international symbol of accessibility mounted at 60" from the ground to the bottom of the sign
7. Curb Ramp at Van-Accessible Stall A (near Leasing Office, Bldg. 1817)	The slopes at (portions of) the curb ramp exceed 8.33%	Provide ANSI-compliant curb ramp

## APPENDIX J

8. Main Walkway (in front of Unit #104, Bldg. 1817 to Trash Area near corner of Bldg. 1817)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
9. Accessible Route (from Main Walkway at corner of Bldg. 1817 to Trash)	There are no accessible routes from the covered Units at Bldgs. 1817 & 1819 to the Trash Area because there is a curb with no curb ramp at the main walkway located adjacent to the Trash bin. Note that there are no accessible parking curb ramps nearby	Add a new concrete walkway extending the sidewalk north and east around the trash area located in the corner of the parking lot between Bldgs. 1817 and 1815 with an ANSI-compliant curb ramp
10. Side Walkway (in front of Units #101 & #102, Bldg. 1817)	The cross-slopes at (a few portions of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
11. Main Walkway (in front of Unit #102, Bldg. 1817 to side walkway leading to Leasing Office)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%
12. Main Walkway (in front of Units #102 & #103, Bldg. 1815)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%

## APPENDIX J

13. Accessible Route (from Main Walkway at corner of Bldg. 1815 to Trash)	There are no accessible routes from the covered Units at Bldg. 1815 to the Trash Area because there is a curb with no curb ramp at the main walkway located in front of Bldg. 1815, near Unit #102.	Add a new concrete walkway extending the sidewalk from Bldg. 1815 north and west around the 4-stall storage garage to provide an accessible route to the trash area
14. Accessible Route (from Main Walkway at corner of Bldg. 1815 to Laundry Bldg, BBQ Pavilion & Public Street)	There is no accessible route from the covered Units at Bldg. 1815 to the site amenities because there is a curb with no curb ramp at the main walkway located at the corner of Bldg. 1815, near Unit #103.	Provide an accessible parking stall, including ANSI-compliant curb ramp to create accessible route to amenities, in the corner of the parking lot that is in front of Bldg. 1815; provide ANSI-compliant curb ramp from the main walkway in front of Bldg. 1815 and onto the main drive-way entrance of the complex
15. Accessible Route (from Main Walkway at corner of Bldg. 1909 to Laundry Bldg, BBQ Pavilion & Public Street)	There is no accessible route from the covered Units at Bldg. 1909 to the site amenities because there is a curb with no curb ramp at the main walkway located at the corner of Bldg. 1909, near Unit #102.	Provide ANSI-compliant curb ramp from the main walkway in front of Bldg. 1909 and onto the main drive-way entrance of the complex; provide accessible parking stall in corner of parking lot between Bldgs. 1817 and 1821 and adjacent to the BBQ pavilion
16. Main Walkway (in front of Units #102 & #103, Bldg. 1909)	The cross-slopes at (most of) walkway exceed 2.0%	Modify the cross-slopes to no greater than 2%

## APPENDIX J

17. Accessible Route (from Main Walkway at corner of Bldg. 1909 to Trash)	There are no accessible routes from the covered Units at Bldg. 1909 to the Trash Area because there is a curb with no curb ramp at the main walkway located in front of Bldg. 1909, near Unit #103	Add a new concrete walkway extending the sidewalk from Bldg. 1909 west to provide an accessible route to the trash area located in the corner of the parking lot in front of Bldg. 1909
18. Entry Walkway (to Units #101-2, Bldg. 1907)	The slopes at (portions of) the walkway exceed 8.33%	Modify running slope to no greater than 5% or install ANSI-compliant ramp
19. Accessible Surface Stall C (near Unit #102, Bldg. 1907)	The accessible stall lacks a compliant sign with the International Symbol of Accessibility	Install compliant sign with the international symbol of accessibility mounted at 60" from the ground to the bottom of the sign
20. Accessible Carport Stall D (near Unit #101, Bldg. 1907)	The accessible stall lacks a compliant sign with the International Symbol of Accessibility	Install compliant sign with the international symbol of accessibility mounted at 60" from the ground to the bottom of the sign
21. Side Walkway (between Bldg. 1907 & Bldg. 1905)	The slopes at (portions of) the walkway exceed 8.33% and the walkway lacks a level landing at the bottom of the ramp. The cross-slopes at (portions of) walkway exceed 2.0%	Modify running slope to no greater than 5% or provide ANSI-compliant ramp; modify cross-slopes to no greater than 2%

## APPENDIX J

22. Accessible Route (from Main Walkway between Bldg. 1907 & Bldg. 1905 to Play Area)	There is no accessible route from the covered Units to the Play Area because there is a curb with no curb ramp at the main walkway located between Bldgs. 1907 & 1905 and there is no walkway to the Play Area	Add a new concrete walkway extending the sidewalk between Bldgs. 1907 and 1905 to the play area; provide ANSI-compliant curb ramp at the end of the extended walkway
24. Accessible Surface Stall B (near Unit #103, Bldg. 1905)	The accessible stall lacks a compliant sign with the International Symbol of Accessibility.	Install compliant sign with the international symbol of accessibility mounted at 60" from the ground to the bottom of the sign
25. Curb Ramp at Accessible Surface Stall B (near Unit #103, Bldg. 1905)	The slopes at (portions of) the curb ramp exceed 8.33%	Modify running slope to no greater than 5% or provide ANSI-compliant ramp
26. Entry Walk (to Units #103-4, Bldg. 1905)	The slopes at (portions of) the walkway exceed 5.0% and lack a level landing at the bottom of the ramp	Modify running slope to no greater than 5% or provide ANSI-compliant ramp; modify cross-slopes to no greater than 2%
27. Accessible Route (from Units at Bldg. 1905 to Trash located near Unit #104, Bldg. 1905)	There is no accessible route from the covered Units to the Trash bins because the street (accessible route from access aisle to trash area) has cross-slopes exceeding 2.0%	Add a new concrete walkway extending the sidewalk around the trash bin located in the corner of the parking lot adjacent to Bldg. 1905 to provide accessible route to the trash area

## APPENDIX J

28. Accessible Route (from Units at Bldg. 1821 & 1819 to Trash located near Unit #104, Bldg. 1905)

There is no accessible route from the covered Units to the Trash bins because there is a curb with no curb ramp located at the corner of the main walkway near Unit #102, Bldg. 1821

Provide an accessible parking stall at the corner of the main walkway near Unit #102, Bldg. 1821 and adjacent to the 4 stall garage

29. Underside of Stairs - Typical at all Building Entries

The underside of stairs (typical at each Entry) are a protruding object (below 80" AFF) on the accessible route to the covered Units because there is no cane detectable railing lower than 27" high at the back side of the stairs

Install ANSI-compliant cane detection railing mounted no higher than 27" surrounding the underside of stairs at each building entry

### UNIT TYPE A - (1BR/1BA)

30. Kitchen – Clear Floor Space

The kitchen lacks sufficient clear floor space at the sink

Install removable base cabinets under the kitchen sinks in all eight units

31. Bathroom - Clear Floor Space

The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door

Reverse door-swing so that door swings out

## APPENDIX J

32. Bathroom (off Hall) - Lavatory

The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach. The lavatory lacks 48" clear floor space for a parallel approach, including available toe space (typical 4") at toilet

Install removable base cabinets under the bathroom sinks in all eight units

33. Bathroom (off Hall) - Grab Bar Reinforcing

Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub

Test 4 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units

### UNIT TYPE B - (2BR/1BA)

34. Bathroom - Clear Floor Space

The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door

Reverse door-swing so that door swings out

## APPENDIX J

35. Bathroom (off Hall) - Lavatory	The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach	Install removable base cabinets under the bathroom sinks in all twelve units
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36. Bathroom (off Hall) - Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 33, above
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### UNIT TYPE C - (3BR/2BA)

37. Thermostat	The thermostat is mounted too high	Lower thermostat to 48" measured at controls from floor
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38. Bathroom (off Master Bedrm) [Spec. A] - Clear Floor Space	The bathroom lacks the required 30" x 48" clear floor space beyond the swing of the door due to the in-swinging bathroom door and the location of the toilet fixture	Reverse door-swing so that door swings out
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39. Bathroom (off Master Bedrm) [Spec. A] - Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 33, above
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## APPENDIX J

40. Bathroom (off Hall) [Spec. A]-  
Lavatory

The lavatory lacks the required 30" x 48" clear floor space centered-on the lavatory for a side approach

Install removable base cabinets under the bathroom sinks in off-hall bathrooms in all eight units

41. Bathroom (off Hall) [Spec. A] -  
Grab Bar  
Reinforcing

Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub

Make retrofits noted in Item 33, above

**APPENDIX K**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Pierce Park Village Apartments
Defendants.	)	Boise, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co., Ziegler-Tamura Ltd. Co. (or its successor(s)) and Hubble Engineering, Inc. shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Pierce Park Village Apartments, in Boise, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Leasing Office – Brochure Rack	The brochure rack (exterior wall-mounted) is mounted too high (exceeds 54")	Lower brochure rack to maximum 54"
2. Leasing Office – Entry Door Hardware	The door hardware requires twisting or gripping to operate	Replace existing hardware with accessible lever-type hardware

## APPENDIX K

3. Accessible Route to Basketball Court	There is no accessible route from the main walkway to the basketball court	Install ANSI-compliant accessible route from the main walkway to the basketball court
4. Accessible Route to Children's Play Area	There is no accessible route from the main walkway to the children's play area	Install ANSI-compliant accessible route from the main walkway to the children's play area
5. Main Walkway (to Public Sidewalk/ Street)	The cross-slopes at portions of the walkway exceed 2% (at between 3.6% and 4.5%)	Modify cross-slope from 3.6%-4.5% to no greater than 2%
6. Curb Ramp (at Trash A and Mailbox Area)	The curb ramp has slopes that exceed 8.33%	Modify slope to no greater than 8.33% to provide ANSI-compliant curb ramp
7. Mailbox	The mailboxes (top row) are mounted too high	Reassign covered units to mailboxes on lower rows as requested by tenants; obtain letter from the Postmaster agreeing to do so
8. Accessible Route (at Trash A)	The accessible route within parking area has slopes that exceed 5%	Modify slope to no greater than 5% and cross-slope to no greater than 2%
9. Curb Ramp (across from Trash A)	The curb ramp has slopes that exceed 8.33%	Modify slope to no greater than 8.33% to provide ANSI-compliant curb ramp
10. Main Walkway (in front of Carports at Bldg. C)	The cross-slopes at (portions of) walkway exceed 2%	Modify cross-slope to no greater than 2%

## APPENDIX K

11. Main Walkway (in front of Bldg. D)	The cross-slopes at (portions of) walkway exceed 2%	Modify cross-slope to no greater than 2%
12. Entry Walk (to Unit #101, Bldg. 5445(A))	The entry walk (accessible route) has stairs with no ramp; therefore, there is no accessible route to the primary entry door	Install ANSI-compliant accessible route to this unit; if necessary, install an ANSI-compliant ramp with a total rise no greater than 6"
13. Accessible Parking – Residents Parking Area	Based on a total of 12 ground floor units, the required 2% quantity (1 accessible stall) is not provided; there are no designated accessible stalls provided at the residential units	Install 1 accessible carport stall in proximity to “HC” unit with ANSI-compliant accessible route to all covered units
14. Accessible Parking – Common-Use/Leasing Office Area	No accessible parking is provided at the leasing office	Install 1 ANSI-compliant van-accessible stall in proximity to leasing office
<b>Primary Entry Door – Hardware – Unit Types Indicated Below</b>	The primary entry door has knob hardware that requires gripping or twisting	Replace existing hardware with accessible lever-type hardware
<u>UNIT TYPE A</u> <u>(STANDARD) – 2 BR, 1 BA</u>		
15. Primary Entry – Door	The primary entry door has knob hardware that requires gripping or twisting	Replace existing hardware with accessible lever-type hardware

## APPENDIX K

16. Primary Entry – Threshold	The entry door has a level change (between interior and exterior surfaces) that exceeds ½"	Modify threshold to no more than ½", including pouring additional concrete as needed
17. Thermostat	The thermostat is mounted too high	Lower thermostat to maximum 48" above finished floor (measured to controls)
18. Bathroom (off Hall) – Clear Floor Space	The bathroom lacks 30" x 48" clear floor space beyond the swing of the door	Reverse the swing of the door so that door swings out
19. Bathroom (off Hall) – Toilet Fixture	The toilet fixture is too close to the tub	Install offset flange for toilet measuring less than 16" from centerline of toilet to tub so that centerline of toilet is 18" from the tub
20. Bathroom (off Hall) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet and bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least two units

## APPENDIX K

21. Bathroom (off Hall) – Lavatory Clear Floor Space	The lavatory lacks the minimum 30" x 48" clear floor space centered on the lavatory	Install removable base cabinets under the bathroom sinks in all Off-Hall bathrooms in all covered units
22. Bathroom (off Bedroom) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 20, above
<u>UNIT TYPE B (HC) – 2 BR, 1 BA</u>		
23. Primary Entry – Door	The primary entry door has knob hardware that requires gripping or twisting	Replace existing hardware with accessible lever-type hardware
24. Primary Entry – Threshold	The entry door has a level change (between interior and exterior surfaces) that exceeds ½"	Modify threshold to no more than ½", including pouring additional concrete as needed
25. Thermostat	The thermostat is mounted too high	Lower thermostat to maximum 48" above finished floor (measured to controls)
26. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 20, above

**APPENDIX L**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Prestwick Apartments
Defendants.	)	Jerome, Idaho
_____	)	

The parties agree that Defendants Links Properties, LLC, Wilson Architectural and EHM Engineering, Inc. shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Prestwick Apartments, in Jerome, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Clubhouse – Entry Door Area	The entry door area (with an interior mat) is an unstable surface	Replace mat with new mat that has a manufacturer’s certification that the mat meets ADA regulations

## APPENDIX L

2. Clubhouse – Entry Door Area	The location of a (moveable) exterior waste receptacle encroaches on the required 18" maneuvering space at the pull-side of the door	Move receptacle to allow 18" maneuvering space at the pull-side of the door
3. Clubhouse – Exterior Door to Patio	The entry door area (with an interior mat) is an unstable surface	Replace mat with new mat that has a manufacturer's certification that the mat meets ADA regulations
4. Clubhouse – Exterior Door to Patio	The exterior door requires excessive force to operate (exceeds required 8.5 lb. force for exterior doors)	Install power-assist closer to adjust down to 8.5 lb. force
5. Clubhouse – Exterior Door to Patio	The exterior door requires excessive force to operate (exceeds required 8.5 lb. force for exterior doors)	Install power-assist closer to adjust down to 8.5 lb. force
6. Clubhouse – Exterior Door to Courtyard	The entry door (with an interior mat) is an unstable surface	Replace mat with new mat that has a manufacturer's certification that the mat meets ADA regulations
7. Clubhouse – Exterior Door to Courtyard	The exterior door requires excessive force to operate (exceeds required 8.5 lb. force for exterior doors)	Install power-assist closer to adjust down to 8.5 lb. force
8. Clubhouse – Unisex Restroom Door	The door hardware requires twisting or gripping to operate (lacks accessible or lever-style hardware)	Replace existing hardware with new accessible lever-type hardware



## APPENDIX L

9. Clubhouse – Unisex Restroom Door	The restroom door lacks accessibility signage that is mounted at 60" high at the latch side of the door	Install accessibility signage that is mounted at 60" high at the latch side of the door
10. Clubhouse – Unisex Restroom	The toilet paper dispenser is located too far from the back wall of the toilet fixture	Move toilet paper dispenser to no more than 36" from the back wall of the toilet fixture
11. Leasing Office Door	The door(s) lacks raised letters and Braille permanent room signage	Install permanent room signage with raised letter and Braille characters
12. Kitchen – Sink	The sink lacks knee clearance space because (moveable) boxed games are stored directly beneath the lavatory	Move boxed games to allow ANSI-compliant clearance space
13. Kitchen – Floor Area	The kitchen floor area (with an interior mat) is an unstable surface	Replace mat with new mat that has a manufacturer's certification that the mat meets ADA regulations
14. Laundry Room Door	The entry door lacks the required 18" maneuvering space at the pull-side because the dryer machine encroaches on the available width	Re-swing door so that door swings out or (re)move dryer so that 18" maneuvering space is provided

## APPENDIX L

15. Accessible Route (from walkway at Leasing Office Parking to sidewalk in front of Units #1-9)	The property lacks an accessible route to the public sidewalk and/or street because there is a walkway (at Clubhouse Parking) with no curb ramp leading to the Main Walkway (in front of Units # 1-9)	Install ANSI-compliant curb ramp adjacent to Unit #1 or extend sidewalk to connect with accessible walkway leading to leasing office
16. Exterior Entry Door (Parking side entry to Units #1-10)	The entry door lacks the required 18" maneuvering space at the pull-side of the door because the concrete walkway is too narrow	Add landscape stone to afford 18" maneuvering space at the pull-side of the door
17. Exterior Entry Door (Parking side entry to Units #1-10)	The entry door area (with an exterior mat) is an unstable surface	Replace mat with new mat that has a manufacturer's certification that the mat meets ADA regulations
18. Accessible Parking #3 (at Clubhouse Parking Area)	The accessible stall lacks a sign indicating the International Symbol of Accessibility	Install sign at the head of the stall and mounted at a height not to be obscured by a parked car within the stall indicating the International Symbol of Accessibility
19. FHA Accessible Parking (at Clubhouse/Leasing Office Parking Area)	The accessible stall lacks a sign indicating that it is van-accessible	Install new van-accessible sign (that displays the International Symbol of Accessibility) at the head of the stall and mounted at a height not to be obscured by a parked car within the stall

### UNIT TYPE 1 – 1 BR/1 BA

## APPENDIX L

20. Thermostat	The thermostat is mounted too high	Lower thermostat to maximum 48" above finished floor (measured to controls)
21. Electrical Outlet – Typ.	The outlets (typical at interior) are too low	Relocate or install 1 outlet per room in each unit (1 in each bedroom, 1 in the living room) so that the lowest outlet is at least 15" above the floor
22. Kitchen – Clear Floor Space	The kitchen lacks the minimum required 30" x 48" clear space centered-on appliance at the dishwasher	Install removable base cabinets under the kitchen sinks in 7 units (of different unit types, but including 2 “HC” (Sec. 504) Units)
23. Bathroom – Clear Floor Space	The bathroom lacks 30" x 48" clear floor space beyond the swing of the door at the entrance from the walk-in closet	Modify all brochures to make clear that door-swing will be reversed (at no cost to the tenant) upon request
24. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents’ request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units

UNIT TYPE 1 (HC) – 1 BR/  
1 BA ACCESSIBLE

## APPENDIX L

25. Kitchen – Clear Floor Space	The kitchen lacks the minimum required 30" x 48" clear floor space	Make retrofits noted in Item 22, above
26. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 24, above
27. UFAS: Primary Entry Door – Hardware	The entry door (with a door closer) lacks the required 12" maneuvering space at the push-side of the door	Move door out 8" to provide required 12" maneuvering space at the push-side of the door or add ANSI-compliant door hardware to enable operation without maneuvering space
28. UFAS: Bathroom – Bathtub Controls	The bathtub lacks accessible faucet controls	Replace bathtub faucet with lever-style accessible faucet controls
29. UFAS: Bathroom – Bathtub Seat	The bathtub lacks a removable seat that securely anchors to bathtub	Maintain removable seats and anchors at leasing office for installation upon request

**APPENDIX M**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Shaw Mountain Apartments
Defendants.	)	Boise, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co. and Ziegler-Tamura Ltd. Co. (or its successor(s)) shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Shaw Mountain Apartments, in Boise, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Accessible Parking/Route to Leasing Office (at Bldg. 670) and Mailboxes	The leasing office lacks an accessible parking stall, access aisle and van-accessible signage	Install ADAAG-compliant van-accessible parking stall and access aisle, with appropriate signage and compliant curb ramp, at leasing office

## APPENDIX M

2. Accessible Route to Basketball Court	The basketball court lacks an accessible route because the curb ramp (adjacent to court near Bldg. 670) and the curb ramp (at Bldg. 698) are non-compliant	Provide ANSI-compliant curb ramps at Bldg. 670 and Bldg. 698 to achieve accessible route
3. Accessible Route to Trash Area	The trash area (across from the basketball court) lacks an accessible route from Bldg. 676 because there is no curb ramp from the sidewalk to the trash area; the trash area lacks an accessible route from Bldgs. 698, 688 and 678 because there is no curb ramp	Provide ANSI-compliant accessible route over driveway with running slopes no greater than 5.0% and cross-slopes no greater than 2.0%
4. Main Walkway (in front of Leasing Office at Bldg. 670)	The cross-slopes at (portions of) walkway exceed 2.0%	Modify cross-slope to no greater than 2%
5. Entry Walk (at south side of Bldg. 676)	The cross-slopes at (most of) small entry walk exceed 2.0%	Modify cross-slope to no greater than 2%
6. Accessible Parking (at Bldg. 676)	The designated accessible stall lacks compliant striping and lacks an access aisle; the existing accessible sign is non-compliant and is mounted too low	Install ANSI-compliant access aisle and striping; install signage with bottom edge no lower than 60" from the ground

## APPENDIX M

7. Accessible Parking – Range of Options (Residents Parking Area)	No accessible parking is provided in either garages or under covered carport stalls; therefore, the required range of options (as provided to the general public) is not provided	Create one ANSI-compliant accessible carport parking stall with access aisle, striping and compliant curb ramp into walkway (for a total of 3 accessible stalls on property)
8. Underside of Stairs – Typ. at Bldgs. (except Bldg. 676)	At each building the underside of stairs is a protruding object (below 80" AFF) on the accessible route to the units	Install ANSI-compliant cane detection railing surrounding the underside of stairs mounted no higher than 27" at all areas lower than 80" AFF (except for Bldgs. 678 and 688)
Primary Entry – Doors – Unit Type A	The primary entry door has knob hardware that requires gripping or twisting	Make retrofits noted in Item 11, below
	<u>BLDG. TYPE A (HC) –</u> <u>1 BR, 1 BA</u>	
9. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least three units

**APPENDIX M**

10. Bathroom – Lavatory Clear Floor Space	The lavatory lacks the minimum required 30" x 48" clear floor space centered on the lavatory	Install removable base cabinet under the bathroom sink
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UNIT TYPE A – 1 BR, 1 BA

11. Primary Entry – Door	The primary entry door has knob hardware that requires gripping or twisting	Replace existing hardware with accessible lever-type hardware
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12. Thermostat	The thermostat is mounted too high	Lower thermostat to maximum 48" above finished floor (measured to controls)
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13. Bathroom – Clear Floor Space	The bathroom lacks 30" x 48" clear floor space beyond the swing of the door	Reverse the swing of the door to out-swinging door
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14. Bathroom – Toilet Fixture	The toilet fixture is too close to the tub	Move toilet so that centerline of toilet is no more than 18" from the tub
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15. Bathroom – Toilet Fixture/Clear Floor Space	The toilet fixture lacks the required overall dimension of 33"; the lavatory lacks the minimum required 30" x 48" clear floor space centered on the lavatory	Install removable base cabinets under the bathroom sinks in 9 ground floor units (in addition to "HC" unit) in Bldgs. 676, 670 (hall bathroom only) and 698
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16. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 9, above
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## APPENDIX M

### UNIT TYPE B – 2 BR, 2 BA

17. Thermostat	The thermostat is mounted too high	Lower thermostat to maximum 48" above finished floor (measured to controls)
18. Kitchen – Clear Floor Space	The kitchen lacks the required 30" x 48" clear floor space centered on the dishwasher	Install removable base cabinets under the kitchen sinks in all Type B Units
19. Bathroom (off Bedroom #1) – Clear Floor Space	The bathroom lacks the minimum required 30" x 48" clear floor space beyond the swing of the door	Reverse the swing of the door to out-swinging door
20. Bathroom (off Bedroom #1) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 9, above
21. Bathroom (off Bedroom #2/ Hallway) – Clear Floor Space	The bathroom lacks the minimum required 30" x 48" clear floor space beyond the swing of the door	Make retrofits noted in Item 15, above
22. Bathroom (off Bedroom #2/ Hallway) – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 9, above

**APPENDIX M**

23. Bathroom (off  
Bedroom #2/  
Hallway) – Clear  
Floor Space

The lavatory lacks the  
minimum required 30" x 48"  
clear floor space centered on  
the lavatory

Make retrofits noted in Item  
15, above

UNIT TYPE C – 1 BR, 1 BA

24. Bathroom –  
Clear Floor Space

The bathroom lacks 30" x 48"  
clear floor space beyond the  
swing of the door

Reverse the swing of the door  
so that door swings out (as to  
ground floor units in Bldg.  
698 only)

25. Bathroom –  
Lavatory Clear Floor  
Space

The lavatory lacks the  
minimum required 30" x 48"  
clear floor space centered on  
the lavatory

Make retrofits noted in Item  
15, above



## APPENDIX N

3. Leasing/Clubhouse- Fire Extinguisher Cabinet	The fire extinguisher cabinet is a protruding object	Relocate cabinet or replace cabinet with a semi-recessed or fully-recessed cabinet model that eliminates protrusion
4. Leasing/Clubhouse Restroom- Lavatory	The lavatory lacks a compliant accessible faucet	Replace faucet with accessible lever-style faucet hardware
5. Leasing/Clubhouse- Restroom Door	The restroom door lacks accessibility signage that is mounted at 60" high at the latch side of the door	Provide (1) sign with the International Symbol of Accessibility that is mounted at 60" high at the latch side of the door
6. Accessible Route to Play Area	There is no accessible route from the Units to the Play Area because there is no walkway	Provide ANSI-compliant accessible route (including concrete walkway) to the Play Area
7. Accessible Route to Leasing Office/ Clubhouse	There is no accessible route from the Units to the Leasing Office/ Clubhouse because there is no walkway that connects the Main Walkway (in front of Bldg. 368) to the Main Walkway (in front of the Leasing Office/ Clubhouse)	Provide ANSI-compliant accessible route (including concrete walkway) connecting the two existing walkway sections
8. Curb Ramp (at Accessible Parking Stall #1)	The slope at the curb ramp exceeds 8.33%	Provide ANSI-compliant curb ramp (at same location) with slope no greater than 8.33%

## APPENDIX N

9. Main Walkway (in front of Bldg. 368, Unit 102 to 104)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
10. Main Walkway (in front of Bldg. 362, Unit 102, 103)	The cross-slope at (few portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
11. Entry Walk (in front of Bldg. 362, 102)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
12. Entry Walk (in front of Bldg. 362, 101)	The entry walk has portions of broken concrete that is not a firm, stable surface	Replace broken portions of concrete walkway
13. Curb Ramp (at Stalls #4 & #5)	The slope at the curb ramp exceeds 8.33%	Provide ANSI-compliant curb ramp (at same location) with slope no greater than 8.33%
14. Entry Walk (to Bldg. 348, Units 101, 102)	The slope at the walkway exceeds 5% and lacks handrails and a level landing	Install ANSI-compliant accessible curb ramp
15. Main Walkway (in front of Bldg. 348, Units 102 to 104)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
16. Curb Ramp (at Stalls #8 & #9)	The slope at the curb ramp exceeds 8.33%	Provide ANSI-compliant curb ramp (at same location) with slope not exceeding 8.33%

## APPENDIX N

17. Entry Walk (to Bldg. 350, Units 103, 104)	The slope at the walkway exceeds 5% and lacks handrails and a compliant level landing	Replace portion of walk with new concrete ramp with no greater than 5% slope, or ANSI-compliant ramp with level landings
18. Accessible Parking Stall #10	The accessible stall lacks a sign (located at the head of the stall and mounted at a height not to be obscured by a parked car within the stall) indicating the International Symbol of Accessibility	Provide new accessible sign (located at the head of the stall and mounted at a height not to be obscured by a parked car within the stall) indicating the International Symbol of Accessibility

### UNIT TYPE 1 -2 BR. 1BA

19. Bathroom- Clear Floor Space	The bathroom lacks 30" x 48" clear floor space beyond the swing of the door	Provide 30" x 48" clear floor space
20. Bathroom- Grab Bar Reinforcing	Inspector unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub. The reviewed drawings do not indicate grab bar installation; grab bars at bathtub and toilet were not observed on site	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units

## APPENDIX N

### UNIT TYPE 1 - (HC) - 2BR, 1BA ACCESSIBLE

21. Bathroom- Grab Bar  
Reinforcing

Inspector unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub. The reviewed drawings do indicate grab bar installation; grab bars at bathtub and toilet were observed on site

Make retrofits noted in Item 20, above

### UFAS - SECTION 504 ITEMS

22. UFAS: Primary Entry  
Door

The entry door (with a door closer) lacks the required 12" maneuvering space at the push-side of the door

Remove door closer

23. UFAS: Bathroom-  
Lavatory

The lavatory lacks insulation (pipe-wrapping) at hot water and drain pipes

Provide insulation (pipe-wrapping) at lavatory

### UNIT TYPE 2 - 3 BR, 2BA

24. Kitchen- Clear Floor  
Space at Appliance  
(Refrigerator)

The kitchen lacks the minimum required 30" x 48" clear floor space centered-on appliance at the refrigerator

Install removable base cabinets under kitchen sinks in all four units

## APPENDIX N

25. Kitchen- Clear Floor  
Space at Appliance  
(Dishwasher)

The kitchen lacks the  
minimum required 30" x  
48" clear floor space  
centered-on appliance at  
the dishwasher

Make retrofits noted in  
Item 24, above

26. Bathroom- Grab Bar  
Reinforcing

Inspector unable to verify  
existence of required grab  
bar reinforcement (within  
wall construction) at toilet  
fixture and bathtub. The  
reviewed drawings do not  
indicate grab bar  
installation; grab bars at  
bathtub and toilet were not  
observed on site

Make retrofits noted in  
Item 20, above





## APPENDIX O

2. Public walkway northeast of Bldg. 2931	The slope at (portions of) the walkway exceeds 5%	Modify slope to no greater than 5%
3. Walkway south of Bldg. 2941	The slope at (portions of) the walkway exceeds 5%	Modify slope to no greater than 5%
4. Walkway northwest of Bldg. 2941	The slope at (portions of) the walkway exceeds 5%	Modify slope to no greater than 5%
5. Walkway east of Bldg. 823	The slope at (portions of) the walkway exceeds 5%	Modify slope to no greater than 5%
6. Walkway southeast of Bldg. 2939 (east of Trash area, adjacent to accessible parking aisle)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
7. Walkway west of Bldg. 2939	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
8. Walkway south/southeast of Bldg. 2937/Clubhouse	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
9. Walkway northeast of Bldg. 2937	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX O

10. Walkway east of Bldg. 2935 (at corner of Driveway)	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
11. Walkway southeast of Bldg. 2935	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
12. Walkway south of Bldg. 2935	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
13. Walkway northwest of Bldg. 823	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
14. Walkway west of Bldg. 823	The cross-slope at (portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
15. Curb ramp northeast of Bldg. 2933 (adjacent to accessible parking stall)	The slope at curb ramp exceeds 8.33%	Modify slope at curb ramp to no greater than 8.33%
16. Curb ramp east of Bldg. 2935 (at corner of driveway)	The slope at curb ramp exceeds 8.33%	Modify slope at curb ramp to no greater than 8.33%
17. Curb ramp northwest of Bldg. 819 (adjacent to accessible parking stall)	The slope at curb ramp exceeds 8.33%	Modify slope at curb ramp to no greater than 8.33%

## APPENDIX O

18. Laundry Room – Exterior Front Entry Door Area	The door lacks the minimum 18" maneuvering space at the pull-side of the door because the concrete landing is too narrow	Add concrete adjacent to sidewalk to create required 18" maneuvering area
19. Rental Office/ Clubhouse – Accessible Parking	At least one parking stall is required to be van-accessible and located on the shortest accessible route of travel to the entrance	Provide ADAAG-compliant van-accessible parking stall northwest of Clubhouse/Bldg. 2937
20. Rental Office/ Clubhouse – Thresholds	The thresholds at the main entrance to the rental office/clubhouse and at the laundry room doorway are higher than ½"	Modify thresholds to no higher than ½"
21. Rental Office/ Clubhouse – Threshold	The rental office/clubhouse entrance threshold is not adequately beveled in compliance with ANSI	Adequately bevel rental office/clubhouse entrance threshold in compliance with ANSI
22. Rental Office/ Clubhouse – Doors	The doors at the main entrance and the interior doors into the rental office, kitchen, business center and meeting room have hardware that require twisting or gripping to operate	Replace existing hardware with accessible lever-type hardware
23. Rental Office/ Clubhouse – Restrooms	The men's and women's restrooms in the rental office/clubhouse have water closets that are too low	Install and maintain at least one water closet in each of the men's and women's restroom that is 17"-19" from the floor

## APPENDIX O

24. Rental Office/ Clubhouse – Restroom Signage	The signs for the men’s and women’s restrooms do not include braille and are incorrectly mounted on the doors rather than the wall	Install signs for the men’s and women’s restrooms that include braille and are mounted on the wall adjacent to the restroom doors
25. Rental Office/ Clubhouse – Kitchen	The sink is mounted too high and the controls require gripping or twisting	Install shallow, single-bowl sink (with drain near rear), equipped with a lever-style faucet, mounted at 34" to top with knee space underneath
26. Rental Office/ Clubhouse – Kitchen	The microwave sits on a counter that is mounted too high	Lower counter to 34"
27. Rental Office/ Clubhouse – Kitchen Door	There is only one entrance/exit to/from the kitchen, and the swing of the door impedes clear floor space	Remove kitchen door
28. Rental Office/ Clubhouse – Meeting Room	The one counter work surface is mounted too high	Lower to 36" height
29. Rental Office/ Clubhouse – Meeting Room	The counter work surface protrudes too far into the area of the room	Install two wood brackets underneath that extend to within 27" of the floor no more than 4" from the front edge of the counter as cane detection
30. Rental Office/ Clubhouse – Laundry Room	The coin slots in the laundry room protrude more than 4" at a height between 27" and 80"	Remove protrusions on three dryers closest to doorway

## APPENDIX O

### COMMON ENTRANCE FOYERS

- |                                |  |  |
|--------------------------------|--|--|
| 31. Fire Extinguisher Cabinets | The cabinets protrude more than 4" at a height between 27" and 80"   | Lower cabinets or attach an extension underneath cabinets such that the bottom begins 27" from floor   |
| 32. Stairwells                 | The undersides of the stairwells leading to the upstairs units at each building protrude well into the 80" of clear headroom required for the passageways to the ground floor units and lack detectable barriers within 27" of the floor | Install ANSI-compliant cane detection railing surrounding the underside of stairs mounted no higher than 27" at all areas lower than 80" AFF |

### GROUND FLOOR UNITS

- |                               |   |  |
|-------------------------------|---|--|
| 33. Front Doorway – Threshold | The front door thresholds are 3/4" to 1" high on the interior side of the doorway, and the thresholds lack the necessary 50% beveling | Modify the interior side of the front door threshold to no more than 1/4" or 3/4" if beveled |
| 34. Patio Doorway – Threshold | The patio door thresholds are 1" to 1-1/4" high and not adequately beveled  | Modify door threshold to no more than 1/4" or 3/4" if beveled                                |
| 35. Thermostat                | The thermostat is mounted too high  | Lower thermostat to maximum 48" above finished floor (measured to controls)                  |

## APPENDIX O

36. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units
37. Kitchen – Clear Floor Space	The kitchens lack sufficient clear floor space of 30" x 48"	Install removable base cabinets under the kitchen sinks in both Type A Units; both Type A-MI Units; both Type B-MI Units; and all 8 Type C Units
38. Bathrooms – Door/Floor Space	The bathrooms in the Type A and Type B Units lack sufficient clear floor space outside the swing of the door	Reverse the swing of the door in bathrooms in the Type A and Type B Units to out-swinging door
39. Bathrooms – Clear Floor Space	The bathrooms lack sufficient clear floor space of 30" x 48"	Install removable base cabinets under the bathroom sinks in both Type A Units; both Type A-MI Units; 6 of the Type B Units; both Type B-MI Units; and in the hall bathrooms of all 8 Type C Units

UFAS – SECTION 504  
UNITS (2 Type A-MI Units;  
2 Type B-MI Units)

## APPENDIX O

40. Kitchen – Sinks and Countertops	The sinks and countertops are too high	Lower sinks and countertops to no higher than 34" (excluding counter containing dishwasher)
41. Kitchen – Knee Space Under Sinks	The drain pipes under the kitchen sinks extend into the 19" x 30" wide knee space	Replace sinks with models that have drains in rear
42. Kitchen – Clear Floor Space	The kitchens lack sufficient clear floor space of 30" x 48"	Make retrofits noted in Item 37, above
43. Bathrooms – Clear Floor Space	The bathrooms lack sufficient clear floor space of 30" x 48"	Make retrofits noted in Item 39, above; relocate toilet paper dispensers
44. Bathrooms – Grab Bars	The side and rear grab bars, as installed, are too short	Install 42" side grab bars and 36" rear grab bars
45. Bathrooms – Bathtub Controls	The bathtubs lack seats and hand-held shower sprays, and the tub controls are too far from the clear floor space next to the tub	Obtain specifications on extenders for review and approval by DOJ or relocate controls; obtain/maintain seats for installation upon request of residents
46. Bathrooms – Water Closets	The water closet is positioned too close to the sidewall	Install offset flange to provide ANSI-compliant water closet
47. Bedroom – Closet	The clothes pole and shelf are too high	Install brackets so that pole and shelf can be lowered to 48" height from the finished floor



**APPENDIX P**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Western Gailes Apartments
Defendants.	)	Jerome, Idaho
_____	)	

The parties agree that Defendants Links Properties, LLC, Wilson Architectural and EHM Engineering, Inc. shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Western Gailes Apartments, in Jerome, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Trash Area (located across from Unit #82)	The gate to the Trash Area lacks the required 60" maneuvering space in front of the gate because the concrete landing is too small	Add concrete to create a minimum maneuvering space of 60"

## APPENDIX P

2. Trash Area (located across from Unit #95)	The exterior walkway (accessible route in front of Trash Area) has a change in level at 1/2" high that lacks a beveled transition	Grind concrete to provide ANSI-compliant beveled transition
3. Accessible Route (from walkway at Unit #91 to sidewalk located at Prestwick Apt. Property)	The property lacks an accessible route to the public sidewalk and/or Clubhouse/ Fitness Bldgs. because there is no curb ramp(s) leading to the Main Sidewalk	Provide ANSI-compliant accessible route (curb ramp or extend sidewalk to existing ramp)
4. Accessible Route (from walkway at Unit #85 to sidewalk located at Prestwick Apt. Property)	The property lacks an accessible route to the public sidewalk and/or Clubhouse/ Fitness Bldgs. because there is no curb ramp(s) leading to the Main Sidewalk	Provide ANSI-compliant accessible route (curb ramp or extend sidewalk to existing ramp)
5. Underside of Stairs – Typ. at Bldgs.	At each building, the underside of stairs is a protruding object (below 80" AFF) on the accessible route to the ground floor units. Existing railing is sufficient at stair side but there is no railing at the back side	Install ANSI-compliant cane detection railing on backside of each stairway surrounding the underside of stairway, mounted no higher than 27" at all areas lower than 80" AFF
6. Accessible Parking – Range of Options (Residents Parking Area)	The garage doors are not accessible.	Provide garage-door opener upon request; will include such option in all brochures

### UNIT TYPE 1 – 2BR/1BA

## APPENDIX P

7. Closet Door (off Hall)	The interior door lacks a nominal 32" opening	Lengthen shelves/bring shelves forward so that entry into closet not required for closet usage
8. Kitchen – Clearance/Clear Floor Space at Appliance (Refrigerator)	The kitchen lacks the minimum required 30" x 48" clear floor space centered-on appliance at the refrigerator, and the minimum required 40" clearance between the refrigerator and cabinets and between opposing cabinets	Install removable base cabinets under the kitchen sinks in 4 units (of different unit types, but including 2 "HC" (Sec. 504) Units)
9. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least four units
<u>UNIT TYPE 1 (HC) – 2 BR/ 1 BA – ACCESSIBLE</u>		
10. Closet Door (off Hall)	The interior door lacks a nominal 32" opening	Lengthen shelves/bring shelves forward so that entry into closet not required for closet usage

## APPENDIX P

11. Kitchen – Clearance/Clear Floor Space at Appliance (Refrigerator)	The kitchen lacks the minimum required 30" x 48" clear floor space centered-on appliance at the refrigerator, and the minimum required 40" clearance between the refrigerator and cabinets and between opposing cabinets	Make retrofits noted in Item 8, above
12. Bathroom – Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 9, above
<u>UFAS – SECTION 504</u> <u>ITEMS</u>		
13. UFAS: Patio Door – Threshold	The threshold exceeds the maximum ½" required (measured from top of threshold to exterior surface)	Replace thresholds with maximum ½" high thresholds
14. UFAS: Bathroom Door (off Bedroom)	The door lacks accessible door hardware	Replace hardware with accessible lever-style door hardware
15. UFAS: Bathroom Lavatory	The lavatory lacks the required 30" x 48" clear floor space for a front approach because the support structure reduces the 30" width	Replace support structure with a structure that will provide 30" clear floor space

**APPENDIX P**

- |   |   |   |
|---|---|---|
| 16. UFAS:<br>Bathroom – Bathtub<br>Controls | The bathtub lacks accessible<br>faucet controls   | Replace faucet controls with<br>accessible lever-style faucet<br>controls   |
| 17. UFAS:<br>Bathroom – Bathtub<br>Controls | The bathtub lacks an<br>adjustable shower spray unit<br>with a minimum 60" long<br>hose | Provide an adjustable shower<br>spray unit with 60" long hose   |
| 18. UFAS:<br>Bathroom – Bathtub<br>Seat     | The bathtub lacks a<br>removable seat that securely<br>anchors to bathtub               | Maintain removable seats and<br>anchors at leasing office for<br>installation upon request;<br>install rolling shower for 1 of<br>2 “504 Units” |

UNIT TYPE 2 – 3 BR/2 BA

- |   |   |   |
|---|---|---|
| 19. Closet Door (off<br>Hall)   | The interior door lacks a<br>nominal 32" opening  | Lengthen shelves/bring<br>shelves forward so that entry<br>into closet not required for<br>closet usage |
| 20. Kitchen –<br>Clearance/Clear<br>Floor Space at<br>Appliance<br>(Refrigerator) | The kitchen lacks the<br>minimum required 30" x 48"<br>clear floor space centered-on<br>appliance at the refrigerator,<br>and the minimum required<br>40" clearance between the<br>refrigerator and cabinets and<br>between opposing cabinets | Make retrofits noted in Item<br>8, above  |
| 21. Bathroom #1<br>Door (off Bedroom)   | The interior pocket door lacks<br>a nominal 32" opening   | Widen door to provide<br>nominal 32" opening  |

## APPENDIX P

22. Bathroom #2  
(off Hall) – Clear  
Floor Space

The bathroom lacks required minimum 30" x 48" clear floor space beyond the swing of the door at the entrance from walk-in closet.

Modify all brochures to make clear that door-swing will be reversed so that door swings out (at no cost to the tenant) upon request

23. Bathroom #1 &  
#2 – Grab Bar  
Reinforcing

Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub

Make retrofits noted in Item 9, above

# APPENDIX Q

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	Westridge Apartments
Defendants.	)	Boise, Idaho
_____	)	

The parties agree that Defendants Thomas Development Co., Westridge L.P. and Ziegler-Tamura Ltd. Co. (or its successor(s)) shall make the following retrofits in the public and common use areas and in all the covered (ground floor) units (as indicated by design type) at Westridge Apartments, in Boise, Idaho:

<u>Location</u>	<u>Barrier</u>	<u>Retrofits</u>
<u>PUBLIC AND COMMON USE AREAS</u>		
1. Clubhouse Entry-Door Maneuvering Space	The door lacks maneuvering space at the exterior pull-side (measures less than 18")	Widen the concrete pad at the entry area in front of the door to 18", including concrete work as needed

## APPENDIX Q

2. Clubhouse Entry Door- Door Hardware	The door lacks compliant door hardware (hardware requires twisting or gripping to operate)	Replace hardware with new accessible lever-type hardware
3. Clubhouse Entry Door- Surface	The entry area (with exterior mat) is an unstable surface	Remove exterior mat; any replacement mat must have a manufacturer's certification that the mat meet ADA regulations
4. Clubhouse Entry Door- Threshold	The entry door threshold (exterior) measures greater than 1/2" high	Install new ADAAG-compliant threshold at no greater than 1/2" high
5. Leasing Office- Door Maneuvering Space	The moveable furniture (book shelving) encroaches on door maneuvering space on the interior pull-side (measures less than 12" wide)	Remove or relocate furniture to provide required 12" maneuvering space
6. Leasing Office- Mail Drop Slot	The mail drop slot (at Lobby Area to Leasing Office) is too high. The moveable furniture (chair) encroaches on clear floor space required at mail drop slot	Lower the mail drop slot to no greater than 54" high; remove or relocate chair to eliminate encroachment on clear floor space



## APPENDIX Q

7. Clubhouse Door Entry to Pool Area	The entry area (with exterior mat) is an unstable surface	Remove exterior mat; any replacement mat must have a manufacturer's certification that the mat meet ADA regulations
8. Business Center Entry- Door Maneuvering Space	The door lacks door maneuvering space at the interior pull-side (measures less than 18" wide) and the corridor push-side (measures less than 12" ). Note that built-in Staff-Storage Room encroaches on pull-side maneuvering space	Remove the door closer and re-frame the door opening so that it is flush with the storage room
9. Clubhouse- Wet Bar/ Sink (at Corridor)	The sink hardware lacks compliant hardware/controls (hardware requires twisting or gripping to operate)	Replace the hardware/controls with accessible lever-style hardware/controls
10. Clubhouse- Drinking Fountain (at Corridor)	The drinking fountain requires excessive force to operate	Adjust the faucet to ADAAG-compliant pressure (maximum 5 lbf) or replace
11. Clubhouse- Restrooms- Door Maneuvering Space	The vestibule (with two doors in a series) is too narrow	Remove the door closer
12. Clubhouse- Men's Restroom Door	The restroom door lacks accessibility signage that is mounted at 60" high at the latch side of the door	Provide 1 sign with the International Symbol of Accessibility mounted at 60" high at the latch side of the door

## APPENDIX Q

13. Clubhouse - Men's Restroom	The lavatory pipes lack pipe-wrapping	Provide pipe wrapping at hot/cold pipes at lavatory
14. Clubhouse - Women's Restroom Door	The restroom door lacks accessibility signage that is mounted at 60" high at the latch side of the door	Provide 1 sign with the International Symbol of Accessibility mounted at 60" high at the latch side of the door
15. Clubhouse- Women's Restroom	The lavatory pipes lack pipe-wrapping	Provide pipe wrapping at hot/cold pipes at lavatory
16. Clubhouse- Women's Restroom	The centerline of toilet fixture is too far from the sidewall	Install off-set flange to provide maximum 18" width from centerline of toilet fixture to the sidewall
17. Pool Area- Exterior Shower	The shower unit (at exterior of building at Pool Area) lacks compliant controls and shower unit lacks adjustable spray unit with hose. The shower lacks grab bars	Replace shower controls with lever-type model, add adjustable shower spray unit with min. 60" long hose, provide (1) grab bar mounted at exterior wall
18. Exterior Gate to Pool Area	The gate (at Pool Area) lacks door maneuvering space (measures less than 18" at pull-side and 12" at push-side)	Widen the concrete pad at the entry area in front of the door to 18", including concrete work as needed

## APPENDIX Q

19. Laundry Room Entry Door	The door lacks compliant door hardware (hardware requires twisting or gripping to operate)	Replace door hardware with accessible lever-style hardware
20. Laundry Room Entry Area (Exterior)	The entry area (with exterior mat) is an unstable surface	Remove exterior mat; any replacement mat must have a manufacturer's certification that the mat meet ADA regulations
21. Laundry Room-Entry Area (Interior)	The dryer machine coin slot is a protruding object that projects into accessible route/door maneuvering space at entry door	Replace all three dryers with dryers of different design type that lack protruding object
22. Mailbox (adjacent to Pool Entry Gate Area)	The mailboxes (top two rows) are mounted too high	Assign ground floor apartments to mailboxes within reach range, including letter from Postmaster acceding to the change
23. Vending Machine (at Exterior near Laundry Room)	The coin slot (dollar bill slot) at exterior vending machine is too high	Replace machine with another model whose coin slot does not exceed 54" reach range
24. Picnic Table Area (Exterior)	The Picnic Area (with fixed seating tables) lacks an accessible route from ground floor units	Provide ANSI-compliant accessible route (add concrete walkway) from ground floor units to picnic area

## APPENDIX Q

25. Play Area (Exterior)	The Play Area lacks an accessible route from ground floor units	Provide ANSI-compliant accessible route (add concrete walkway) from ground floor units to play area
26. Basketball Court (Exterior)	The Basketball Court (paved) lacks an accessible route from ground floor units	Provide ANSI-compliant accessible route (add concrete walkway) from ground floor units to basketball court
27. Volleyball Court (Exterior)	The Volleyball Court (sand) lacks an accessible route from ground floor units	Provide ANSI-compliant accessible route (add concrete walkway) from ground floor units to volleyball court
28. Trash Area (near Bldg. 3009)	The portion of asphalt (driveway) in front of the Trash Area has slope that exceeds 5%	Modify slope to no greater than 5%
29. Trash Area (near Bldg. 3041)	The Trash area lacks an accessible route from the walkway because there is a curb with no curb ramp	Provide ANSI-compliant curb ramp on accessible route to trash area
30. Ramp at Accessible Parking (at Clubhouse)	The projecting curb ramp within the access aisle has a slope exceeding 8.33%	Provide ANSI-compliant curb ramp with slope no greater than 8.33% and provide yellow painted access aisle striping

## APPENDIX Q

31. Accessible Parking Stall (at Clubhouse)	The accessible stall lacks compliant van-accessible signage	Install ADAAG-compliant sign at head of stall with bottom edge no lower than 60" from the ground displaying the International Symbol of Accessibility
32. Ramp at Accessible Parking (near Bldg. 3009)	The projecting curb ramp within the access aisle has slope exceeding 8.33%	Provide ANSI-compliant curb ramp with slope no greater than 8.33% and provide yellow painted access aisle striping
33. Accessible Parking Stalls (near Bldg. 3009)	The accessible stalls lack accessibility signage	Install ANSI-compliant sign at head of stall with bottom edge no lower than 60" from the ground with the International Symbol of Accessibility at head of stalls
34. Ramp at Accessible Parking (near Bldg. 3041)	The accessible stall lacks a curb ramp (accessible route) to the walkway	Make retrofits noted in Item 29, above
35. Accessible Parking Stall (near Bldg. 3041)	The accessible stall lacks both an access aisle and accessibility signage	Provide access aisle and ANSI-compliant sign at head of stall with bottom edge no lower than 60" from the ground with the International Symbol of Accessibility

## APPENDIX Q

36. Underside of Stairs- Typ. at Bldgs.	At each building, the underside of the stairs are a protruding object (below 80") on the accessible route to the Units	Install ANSI-compliant cane detection railing surrounding the underside of stairs mounted no higher than 27" at all areas lower than 80" AFF
37. Entry Walk from Main Walkway to Laundry/Pool Area	The cross-slope at (most of) walk leading to Laundry/Pool Area exceeds 2.0%	Modify cross-slope to no greater than 2%
38. Main Walkway (in front of Clubhouse)	The cross-slope at (portions of) walkway in front of Clubhouse exceeds 2.0%	Modify cross-slope to no greater than 2%
39. Switchback Ramp (between Clubhouse and Laundry Entry)	The slope at (most of) ramp between Clubhouse walk and Laundry entry area exceeds 5% and lack handrails. The ramp lacks compliant level landings	Modify slope to no greater than 5%, or install handrails and ANSI-compliant ramp features (maximum 8.33% slope)
40. Main Walkway (between Bldg. 3009 and Bldg. 3041)	The cross-slope at (most of) walkway between indicated buildings exceeds 2.0%	Modify cross-slope to no greater than 2%
41. Entry Walk (to Bldg. 3009)	The cross-slope at (most of) walk at east entry to Units exceeds 2.0%. The cross-slope at (few portions of) walk at west entry to Units exceeds 2.0%	Modify cross-slope to no greater than 2%

## APPENDIX Q

42. Entry Walk (connecting Bldg. 3017 to Bldg. 3025)	The cross-slope at (portions of) walk between indicated buildings exceeds 2.0%	Modify cross-slope to no greater than 2%
43. Main Walkway (in from of HC stall at Bldg. 3049)	The cross-slope at (few portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
44. Main Walkway (in front of Bldg. 3057)	The cross-slope at (few portions of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
45. Main Walkway (in from of Carport at Bldg. 3065)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
46. Main Walkway (in front of Carport at Bldg. 3081)	The cross-slope at (most of) walkway exceeds 2.0%	Modify cross-slope to no greater than 2%
47. Main Walkway (between Bldg. 3081 and Bldg. 3089)	The cross-slope at (most of) walkway between indicated buildings exceeds 2.0%	Modify cross-slope to no greater than 2%
48. Main Walkway (in front of Bldg. 3097)	The cross-slope at (few portions of) walkway at carport side of indicated building exceeds 2.0%	Modify cross-slope to no greater than 2%

**APPENDIX Q**

49. Accessible Route to Public Sidewalk/Street

The property lacks an accessible route to the public sidewalk and/or street. Note that route requires travel across vehicular path (with several speed bumps)

Provide ANSI-compliant accessible route to public sidewalk at the east end of the property

UNIT TYPE A - 1 BR,  
1 BA JUNIOR

50. Thermostat

The thermostat is mounted too high

Lower thermostat to no greater than 48" high (measured from the finished floor to controls)

UNIT TYPE B - 1 BR,  
1 BA DELUXE

51. Thermostat

The thermostat is mounted too high

Lower thermostat to no greater than 48" high (measured from the finished floor to controls)

52. Bathroom- Clear Floor Space

The bathroom lacks 30" x 48" clear floor space beyond the swing of the door

Reverse the swing of the door so that door swings out

53. Bathroom- Toilet Fixture

The toilet fixture is too close to the tub

Install offset flange so that centerline of toilet is no more than 18" from the tub



## APPENDIX Q

### 54. Bathroom- Toilet Fixture

The toilet fixture lacks the required overall dimension of 33" width (measured from the edge of lavatory cabinet to the edge of bathtub)

Install removable base cabinets under the sinks in the following bathrooms (in the same units as those selected for the retrofits indicated in Item 57, below):

4 bathrooms in type B Units  
4 bathrooms in type C Units  
2 bathrooms in "HC" Units

### 55. Bathroom- Grab Bar Reinforcing

Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub

Test 3 random units in the complex for compliance; if there is no reinforcement at the required locations at toilet or bathtub in any of the tested units, install Wing-It-mounted grab bars at residents' request and maintain sufficient Wing-It bolts and grab bar equipment on-site to provide grab bars for the toilet and bathtub in the bathrooms in at least five units

UNIT TYPE C - 2 BR,  
1 BA

### 56. Thermostat

The thermostat is mounted too high

Lower thermostat to no greater than 48" high (measured from the finished floor to controls)

## APPENDIX Q

57. Kitchen- Clearance between Dishwasher and Refrigerator	The kitchen lacks the minimum 40" required clearance between the dishwasher and the refrigerator.	Install removable base cabinets under the sinks in the following kitchens (in the same units as those selected for the retrofits indicated in Item 54, above):  4 kitchens in type B Units 4 kitchens in type C Units 2 kitchens in HC Units
58. Kitchen - Clear Floor Space at Appliances (Dishwasher and Refrigerator)	The kitchen lacks the minimum required 30" x 48" clear floor space <u>centered-on</u> appliance at the dishwasher and the refrigerator	Make retrofits noted in Item 57, above
59. Bathroom- Clear Floor Space	The bathroom lacks 30" x 48" clear floor space beyond the swing of the door.	Reverse the swing of the door to out-swinging door
60. Bathroom- Toilet Fixture	The toilet fixture is too close to the tub	Install offset flange so that centerline of toilet is no more than 18" from the tub
61. Bathroom- Toilet Fixture	The toilet fixture lacks the required overall dimension of 33" width (measured from the edge of lavatory cabinet to the edge of bathtub)	Make retrofits noted in Item 54, above

## APPENDIX Q

62. Bathroom- Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 55, above
<u>UNIT TYPE C (HC) - 2 BR, 1 BA ACCESSIBLE</u>		
63. Thermostat	The thermostat is mounted too high	Lower thermostat to no greater than 48" high (measured from the finished floor to controls)
64. Kitchen- Clearance between Dishwasher and Refrigerator	The kitchen lacks the minimum 40" required clearance between the cabinets and the refrigerator and between the dishwasher and the refrigerator. The kitchen lacks the minimum required 30" x 48" clear floor space <u>centered-on</u> appliance at the dishwasher and the refrigerator.	Make retrofits noted in Item 57, above
65. Bathroom- Toilet Fixture	The toilet fixture is too close to the tub	Install offset flange so that centerline of toilet is no more than 18" from the tub

## APPENDIX Q

66. Bathroom- Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 55, above
67. Bathroom- Lavatory Clear Floor Space	The lavatory lacks the minimum required 30" x 48" clear floor space centered-on the lavatory	Make retrofits noted in Item 54, above
<u>UNIT TYPE D - 2 BR., 2 BA</u>		
68. Thermostat	The thermostat is mounted too high	Lower thermostat to no greater than 48" high (measured from the finished floor to controls)
69. Bathroom (off Hall)- Clear Floor Space	The bathroom lacks 30" x 48" clear floor space beyond the swing of the door	Reverse the swing of the door to out-swinging door
70. Bathroom (off Hall)- Toilet Fixture	The toilet fixture is too close to the tub	Install offset flange so that centerline of toilet is no more than 18" from the tub
71. Bathroom (off Hall)- Grab Bar Reinforcing	Inspector was unable to verify existence of required grab bar reinforcement (within wall construction) at toilet fixture and bathtub	Make retrofits noted in Item 55, above

## APPENDIX Q

72. Master  
Bathroom- Clear  
Floor Space

The bathroom lacks 30" x 48"  
clear floor space beyond the  
swing of the door

Reverse the swing of the door  
to out-swinging door

73. Master  
Bathroom- Toilet  
Fixture

The toilet fixture is too close  
to the tub

Install offset flange so that  
centerline of toilet is no more  
than 18" from the tub

74. Master  
Bathroom- Grab Bar  
Reinforcing

Inspector was unable to verify  
existence of required grab bar  
reinforcement (within wall  
construction) at toilet fixture  
and bathtub.

Make retrofits noted in Item  
55, above

**APPENDIX R**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**OTHER COVERED APARTMENT COMPLEXES  
DESIGNED AND/OR CONSTRUCTED  
BY DEFENDANT THOMAS DEVELOPMENT CO.**

As referenced in Section III.B of the Consent Order, below are the other apartment complexes designed and constructed for first occupancy after March 13, 1991, by Defendant Thomas Development Co. or affiliated entities:

- |                              |                |
|------------------------------|----------------|
| Balmoral Apartments          | Hailey, ID     |
| Claremont Apartments         | Nampa, ID      |
| Gleneagle’s Apartments       | Twin Falls, ID |
| Portstewart Senior Community | Caldwell, ID   |
| Troon Apartments             | Lewiston, ID   |
| <br>                         |                |
| Atherton Apartments Phase I  | Butte, MT      |
| Atherton Apartments Phase II | Butte, MT      |
| Castlebar Apartments         | Bozeman, MT    |
| <br>                         |                |
| Hanbury Manor Apartments     | Logan, UT      |
| Roscrea Apartments           | Price, UT      |
| <br>                         |                |
| College Hill Apartments      | Riverton, WY   |
| Connemara Apartments         | Laramie, WY    |
| Shandon Park Apartments      | Rawlins, WY    |
| Wentworth Apartments         | Evanston, WY   |

**APPENDIX S**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE TO POTENTIAL VICTIMS OF DISCRIMINATION  
AGAINST PERSONS WITH DISABILITIES AT IDAHO APARTMENT COMPLEXES**

On \_\_\_\_\_, 2004, the United States District Court for the District of Idaho entered a Consent Order resolving a housing discrimination lawsuit brought by the United States against the owners, builders, architects and engineers of seventeen Idaho apartment complexes. The United States alleges that the ground floor units and many common use areas (*e.g.*, rental offices, routes to amenities, etc.) are not accessible to persons with physical disabilities. As part of the consent order, the defendants have agreed to retrofits of the ground floor units and common use areas to comply with the Fair Housing Act and the Americans with Disabilities Act at the following apartment complexes:

- |                                       |                 |
|---------------------------------------|-----------------|
| Aspen Hills Apartments                | Meridian, Idaho |
| Baltray Apartments                    | Jerome, Idaho   |
| Brentwood Apartments                  | Boise, Idaho    |
| Brittas Bay Apartments                | Weiser, Idaho   |
| Carnoustie Apartments                 | Shelley, Idaho  |
| Country Club Apartments               | Nampa, Idaho    |
| Donegal Bay Apartments                | Rexburg, Idaho  |
| Mallard Cove Apartments               | Caldwell, Idaho |
| Park Hill Apartments                  | Boise, Idaho    |
| Parkwood Apartments                   | Nampa, Idaho    |
| Pierce Park Village Apartments        | Boise, Idaho    |
| Prestwick Apartments                  | Jerome, Idaho   |
| Shaw Mountain Apartments              | Boise, Idaho    |
| Tralee Apartments                     | Rigby, Idaho    |
| Turnberry at Village Green Apartments | Lewiston, Idaho |
| Western Gailes Apartments             | Jerome, Idaho   |

The consent order also establishes a Settlement Fund to compensate persons who have been harmed as a result of this discrimination at any of the above-named complexes. You or members of your family may be qualified to recover from the Settlement Fund if you or members of your family:

- were discouraged from living at any of the above-named complexes because of the lack of accessible features of the apartment or the complex;
- rented an apartment but were unable to use, or had difficulties using, portions of your apartment or the complex because they were not accessible (including the inability to have visitors who have disabilities);
- paid to have any portion of your apartment or the complex modified to be more accessible;
- were not informed about, or offered, all available apartment units because of your disability or the disability of someone who would be living with you; or
- requested and were denied a reasonable accommodation for your disability or the disability of someone who was living with you

*If you believe you have been harmed because of your disability at any of the above-named apartment complexes, or if you have information about someone else who may have been harmed, please contact the United States Department of Justice at:*

1-800-896-7743, ext. \_\_\_\_\_

*You also may write to United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, 950 Pennsylvania Avenue, N.W. – G St., Washington, DC, 20530, Att: DJ 175-22-29*

**\*\*\* You must call or write no later than [120 days from the date of entry of the Consent Order] to be eligible for compensation, and your telephone message or letter must include your name, address, and, if possible, at least two telephone numbers where you may be reached.**



**APPENDIX T**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**RELEASE OF CLAIMS**

In consideration for the payment of \$\_\_\_\_\_ pursuant to the Consent Order approved by the United States District Court for the District of Idaho in the case of *United States v. Thomas Development Co., et al.*, Case No. CIV 02-068-C-EJL, I hereby release the defendants named in this action from any and all liability for any claims, legal or equitable, I may have against them arising out of the issues alleged in the action. I fully acknowledge and agree that this release of the defendants shall be binding on my heirs, representatives, executors, successors, administrators and assigns. I hereby acknowledge that I have read and understood this release and have signed it voluntarily and with full knowledge of its legal consequences.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NAME (PRINT)

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

# APPENDIX U

## SUMMARY OF CONSENT ORDER FOR EMPLOYEES AND AGENTS OF DEFENDANTS

1. The United States has filed a lawsuit against the following apartment communities, which were designed, constructed and/or developed, in whole or in part, by Thomas Development Co.; Links Properties, L.L.C.; Turnberry Limited Partnership; Centurion Properties, L.L.C.; Thomas C. Mannschreck; Wilson Architectural; Ziegler-Tamura Ltd. Co.; Ralph R. “Rocky” Towle, f/d/b/a Design Resources; Eric Hasenoehrl, f/d/b/a E.F. Engineering; Hubble Engineering, Inc.; EHM Engineers, Inc.; Aspen Hills Limited Partnership; Baltray Limited Partnership; Brittas Bay Limited Partnership; Carnoustie Limited Partnership; Donegal Limited Partnership; Mallard Cove Associates Limited Partnership; Parkwood Associates Limited Partnership; Prestwick Limited Partnership; Tralee Limited Partnership; Westridge Associates Limited Partnership; and Western Gailes Limited Partnership (referred to herein as “Defendants”):

Aspen Hills - Meridian, ID  
Baltray - Jerome, ID  
Brentwood - Boise, ID  
Brittas Bay - Weiser, ID  
Carnoustie - Shelly, ID  
Country Club - Nampa, ID  
Donegal - Rexburg, ID  
Mallard Cove - Caldwell, ID  
Parkhill - Boise, ID  
Parkwood - Nampa, ID  
Pierce Park Village - Boise, ID  
Prestwick - Jerome, ID  
Shaw Mountain Heights - Boise, ID  
Tralee - Rigby, ID  
Turnberry - Lewiston, ID  
Western Gailes - Jerome, ID  
Westridge - Boise, ID

Thomas C. Mannschreck will be dismissed as a named defendant to this lawsuit, conditioned upon compliance with certain aspects of the Consent Order.

2. The United States has brought suit against the Defendants to enforce the provisions of Title 8 of the Civil Rights Act of 1968 (the Fair Housing Act, as amended by the Fair Housing Act Amendments of 1988, 42 U.S.C. § 3601-3619), Title 3 of the Americans With Disabilities Act, 42 U.S.C. § 12181, *et seq.* (ADA), and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794. Specifically, the United States alleges that the properties described above were not designed or constructed with features of accessible and adaptable design and construction, as required by the laws described above. The United States further believes that Defendant Thomas Development Co. has retaliated against persons with disabilities who have requested reasonable accommodations or modifications. Thomas Development Co. strongly denies the allegations of retaliation.
3. The Defendants have denied liability for violation of any of the laws cited above.

The Order signed by the Judge and entered to conclude the lawsuit does not constitute any admission of liability by the Defendants.

4. The Defendants have made the business decision to negotiate with representatives of the United States Department of Justice to make certain modifications to the public and common-use areas and ground floor units of the apartment communities described in paragraph 1. The appropriate Defendants for each of the above-named apartment communities will make such modifications. None of the modifications will require disruption or displacement of existing residents for a period of more than one day. Defendants Thomas Development Co. and Links Properties, L.L.C. have also agreed to hire a neutral inspector, approved by the United States, to conduct on-site surveys at each of their other respective apartment communities to assess their compliance with with the laws cited above. Should the inspector identify non-compliant features, Defendants Thomas Development Co. and Links Properties, L.L.C. will, based on the inspector's report and subject to the approval of the United States, make appropriate modifications to the public and common-use areas and ground floor units of their respective apartment communities.
5. In addition to the modifications described in paragraph 4, the Defendants have agreed to make a payment to the Intermountain Fair Housing Council to further its purposes. Additionally, the Defendants have agreed to make a payment to a fund for aggrieved persons, thus facilitating financial recovery for any person who believes they have been discriminated against in the design, construction or operation of the above-described apartment communities. The Defendants are required to publish in the *Idaho Statesman* a notice to potential victims, to send a copy of the notice to various organizations in Idaho, and to send copies of the notice to each tenant who resides or who resided at any time on or after January 1, 2001, at any of the apartment communities listed in paragraph 1. Finally, the Defendants have agreed to make a payment to the United States to vindicate the public interest.
6. The retrofits will be completed within the next 12 months. Following completion, the retrofits will be inspected for compliance with the agreed settlement between the United States and the Defendants.
7. The Defendants have agreed to ensure that future apartment developments comply both in design and construction with the laws cited above.
8. The Settlement Agreement with the United States requires the Defendants to provide "Agents and Employees involved in the design, construction, rental or sale of covered multi-family dwellings" a copy of this summary and to provide such people the opportunity to review it and have their questions about the summary answered. The person to contact is \_\_\_\_\_ [Each defendant shall insert the name of an appropriate representative]. This applies to both current agents and employees and new agents and employees, each of whom must sign and return the accompanying statement acknowledging that s/he has read this summary and had her or his questions answered.
9. Employees who have "supervisory authority over the design and/or construction of covered multi-family dwellings" will be provided copies of the HUD guidelines and the HUD design manual, which they are required to personally review and be

familiar with. These supervisory employees will also undergo training on the design and construction requirements of the Fair Housing Act and the ADA.

10. Employees of the Defendants and any property management company shall be informed of those portions of the Fair Housing Act that relate to accessibility requirements, reasonable accommodations and reasonable modifications.
11. Within the next 90 days, the Defendants will schedule a training class on the design and construction requirements of the Fair Housing Act and the ADA. Participants must sign and return a certificate confirming their attendance.
12. The Defendants will ensure that the HUD barrier-free accessible sign, no smaller than 10" x 14", is located in the rental office of each property.
13. In the event the Defendants receive any written administrative or legal Fair Housing complaint, they are required to forward a copy to the United States within fifteen (15) days. The Defendants are also required to preserve all records related to the Consent Order, which representatives of the Department of Justice, after reasonable notice, will be permitted to inspect and copy (at the reasonable cost to the Department).
14. The terms of the Order cover three years following the date of the Order's entry. If you have any questions about the Order or about your obligations under it, please contact:

---

[Each Defendant shall insert the name, address, telephone number and email address of a managing official who can answer questions about the Consent Order.]

**APPENDIX V**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**CERTIFICATION OF REVIEW OF SUMMARY OF CONSENT ORDER**

In accordance with the Consent Order entered by the United States District Court for the District of Idaho in *United States of America v. Thomas Development Co., et al.* (Case No. CIV 02-068-C-EJL), I certify that I received and read the Summary of Consent Order (Appendix V to the Consent Order) and had my questions about the Summary, if any, answered.

\_\_\_\_\_  
EMPLOYEE/AGENT NAME (PRINT)

Title/Position: \_\_\_\_\_

Employer: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE/AGENT SIGNATURE

\_\_\_\_\_, 200\_\_\_\_  
DATE

**APPENDIX W**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV 02-068-C-EJL
v.	)	
	)	
	)	
THOMAS DEVELOPMENT CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**CERTIFICATION OF ATTENDING TRAINING**

In accordance with the Consent Order entered by the United States District Court for the District of Idaho in *United States of America v. Thomas Development Co., et al.* (Case No. CIV 02-068-C-EJL), I certify that I attended the entire training program regarding the design and construction requirements of the Fair Housing Act and the Americans with Disabilities Act.

\_\_\_\_\_  
EMPLOYEE/AGENT NAME (PRINT)

Title/Position: \_\_\_\_\_

Employer: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE/AGENT SIGNATURE

\_\_\_\_\_, 200\_\_\_\_  
DATE