

Open Air Dining / Curb Side Pick-up Disability Access Considerations (DRAFT)

With many restaurants being allowed to open with limited capacity, many cities are allowing restaurants to use the parking spaces and sidewalks in front of their restaurants for open air dining. In addition, restaurants and many other businesses are providing curb side pick-up. In doing so, it is important that the requirements under the Americans with Disabilities Act; as well as; the California Building Code be kept in mind.

Some important items to note:

- Where accessible parking spaces exist, they must be maintained available for use of individuals with disabilities. Be sure that both the parking space and the access aisle are kept clear. Now may be a good time to have a Certified Access Specialist confirm that your accessible parking spaces are fully compliant. If any parking spaces are provided, an accessible parking space must be provided.
- If an individual is required to step up or down a curb to reach the dining area or pick-up location, at a minimum, a temporary, secure ramp should be provided for a wheelchair user or other to reach the dining areas and/or pick-up locations. This ramp should be maintained in place while the business is open. The ramp should have a running slope of not more than 1:12, and a cross slope of not more than 1:48. Handrails are not required if the ramp is crossing a curb. The clear width of the ramp should be 48" minimum.
- Where dining areas occur, at least 5% of each type of seating must be provided for accessible use. This includes 5% inside the restaurant; as well as; 5% outside the restaurant, but no less than one for each type of seating area. This accessible seating should also be dispersed. The height of the dining surface of the table should be between 28"-34" high above the finish floor or ground. Clear space under the table should be 27" high minimum and extend a minimum of 19" from the face of the table.

The clear space required for a wheelchair user is to be 30" wide by 48" deep. Be sure

that the table base allows for this area to be kept clear. Table bases at the center of the table do not typically comply.

- Ensure that an accessible route of 36” wide minimum is maintained throughout the public areas of the business, both inside and out. Some locations may require 44” wide minimum if the aisle is accessed from two sides. And, if it is part of the sidewalk in front of the business, it must be 48” wide minimum.
- A minimum clear width of 44 inches of accessible route to accessible toilet facilities shall be provided and maintained.
- If the sidewalk in front of the restaurant is used by other tenant businesses, access must be maintained for all tenant spaces. The seating areas should not be closed off preventing access to other tenants. In addition, a barrier may be required to prevent tables from migrating into the accessible route. This will also allow for an individual with a visual impairment from bumping into patrons sitting at the tables.
- Where an accessible route occurs from the public sidewalk, it too, must always be maintained and available for use.
- If floor marking for social distancing are being used, provide those that are highly visible with contrasting colors and a textured surface. In addition, the markings and strips should be properly maintained.
- Don't assume that the agency granting permission for outside dining is reviewing for the above items. Depending on the agency, there's a chance that they may not be.
- For curb side pick-up consider having an employee deliver directly to the customer's vehicle. Provide clear signage with pick-up location and business phone number if required.
- Because employees are now required to wear masks, consider providing masks that allow for a clear portion of the mask so that individuals with hearing impairments will be able to read lips. In addition, provide a writing pad or white board to allow for written communication.
- Also, prepare to adjust current policies to accommodate the needs of people with disabilities that are not related to mobility. For example, prepare for a Deaf/Hard of Hearing customer to request an accommodation such as briefly removing a mask so the customer may read staff's lips or allowing the customer to communicate with staff in

writing; or, ensure staff understands people with disabilities are allowed to bring service animals on business premises.

The above is not intended to include all requirements. For additional information please contact a [Certified Access Specialist](#), for requirements specific to your business. <https://www.dgs.ca.gov/CCDA/Resources/Page-Content/California-Commission-on-Disability-Access-Resources-List-Folder/Government-Resources>

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