

CALIFORNIA BUSINESS LAW *Practitioner*

A G U I D E T O C U R R E N T P R A C T I C E



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Applying ADA Public Access Requirements in California

by BRIAN IRION

INTRODUCTION

The Americans with Disabilities Act of 1990 (ADA) (42 USC §12101–12213) provides comprehensive civil rights protection to individuals with disabilities. The protection is similar to that provided under the Civil Rights Act of 1964 Titles II (42 USC §2000a–2000a–6) and VII (42 USC §2000e–2000e–17) to prevent discrimination on the basis of race, color, religion, or national origin.

The ADA prohibits discrimination against the disabled and people with a known relationship to a disabled person in employment, access to public and private transit and facilities, and in public accommodations by private entities. Subchapter I of the ADA addresses employment rights. 42 USC §§12101–12117. Subchapter II imposes obligations on state and local governments. 42 USC §§12131–12165. This

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article discusses some of the major provisions of Subchapter III, also known as the "public access" portion of the ADA. These provisions are located at 42 USC §§12181-12189.

FACILITIES SUBJECT TO PUBLIC ACCESS REQUIREMENTS

Congress invoked its broadest constitutional powers to cover virtually any business facility whose operations "affect commerce." The list of public accommodations subject to Subchapter III can be found in the glossary of terms on page 74 in the appendix to this article. It includes hotels, places of public gathering, eating and drinking establishments, sales, rental, and service establishments, transportation depots, places of public display such as museums or libraries, and places of recreation or education. From banks to bars, and amphitheatres to zoos, virtually every place to which the public is invited is regulated by Subchapter III of the ADA. 42 USC §12181(7). Private clubs and religious organizations that are exempt from Title II of the Civil Rights Act of 1964 are exempt from Subchapter III of the ADA to the extent that their facilities are not open to the public. 42 USC §12187.

Responsibilities of Landlord and Tenant

Landlords, tenants, subtenants, and property managers all can be defendants in an action alleging violation of Subchapter III of the ADA. Title 42 §12182(a) states the general rule that:

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

The regulations address the dual responsibilities of commercial landlords and their tenants. Although the terms of the lease can govern the lessor's and lessee's obligations vis-à-vis each other, both the lessor and lessee may be sued for failure to comply with the ADA's requirements. For example, if a person is denied access to an office building because the front entrance is not wide enough to allow wheelchair access, that person may sue the building owner as well as the tenant whose office he or she intended to visit. As between the tenant and landlord, however, lease terms may allocate responsibility and indemnity rights. 28 CFR §36.201(b).

FULL AND EQUAL ACCESS

In general, disabled people or those who associate with them must be able to enjoy full and equal access to goods and services offered to the public at large. 42 USC §12182(a).

Providing a disabled person with privileges or benefits that are different or separate from those provided to others is discriminatory unless such action is necessary to provide privileges or accommodations "as effective as that provided to others." 42 USC §12182(b)(1)(A)(iii). For example, handicapped parking spaces might be located closer to building entrances than regular stalls. On the other hand, wheelchair spaces in auditoriums and theaters must be interspersed to avoid segregating the disabled from their companions and other members of the public. 28 CFR §36.308. Where separate programs or activities are provided specifically for the disabled, the disabled cannot be prohibited from participating in programs or activities that are not separate or different. 42 USC §12182(b)(1)(C).

Businesses also cannot participate in contractual relationships that have the same effect as if the businesses themselves violated the ADA, nor can they discriminate against persons with a relationship to a disabled person. 42 USC §12182(b)(1)(D), (E).

The purpose of the ADA's public accommodations requirements is to ensure equal accessibility to the goods offered by a public accommodation, not to alter the nature or mix of goods that the business has typically provided or to cause a direct threat to the health or safety of others. For example, a bookstore must make its facilities and sales operations accessible to the disabled, but is not required to stock Braille or large print books. Further, a truck driving school is not required to accept a hearing-impaired student if under any circumstances and with any accommodation, the student still would pose a threat to others on the road. *Breece v Alliance Tractor-Trailer Training II, Inc.* (ED Va 1993) 824 F Supp 576. See generally *School Bd. v Arline* (1987) 480 US 273, 94 L Ed 2d 307, 107 S Ct 1123 (addressing "direct threat" concerns under the Federal Rehabilitation Act of 1973 (29 USC §794)).

Generally, when identical features will serve the same function, only a reasonable portion of them must be accessible depending on such factors as their use, location, and number. When only one feature exists, or when identical features will be used in different ways, however, each one should be accessible. For example, only a reasonable number of modified telephones, parking spots, restroom stalls, grocery checkout lines, or seats in conference or meeting rooms must be accessible to disabled people, but all

meeting rooms at a conference center must be accessible. See generally 28 CFR Pt 36, App A §§4.1.3(19), 4.33.

PROHIBITIONS AGAINST DISCRIMINATION IN ACCESS

The ADA imposes four primary types of obligations on most businesses, as discussed below.

Eligibility Criteria Must Not Discriminate

An entity cannot impose eligibility criteria that discriminate against disabled people unless necessary to provide the goods or privileges being offered. 42 USC §12182(b)(2)(A)(i). For example, it would be a violation of the ADA for a golf course to exclude deaf persons from playing golf. On the other hand, safety considerations would allow an amusement park to maintain height requirements for certain rides. 28 CFR Pt 36, App B §36.301.

Modifications Required if Needed To Accommodate Disabled

A business must make reasonable modifications of policies, practices, or procedures to afford disabled people the goods or services available to others, unless the modifications would fundamentally alter the nature of the goods or services. 42 USC §12182(b)(2)(ii). For instance, a parking facility could not bar vans with raised roofs (*i.e.*, those used by persons in wheelchairs) if the lot could accommodate such vans. A clinic specializing in drug rehabilitation could refuse to treat a person who is not an addict, but could not refuse treatment to an addict on the basis that he or she tests positive for HIV. A grocery store may consider modifying a maximum-item limit for a checkout line to allow a disabled person with more items to use the checkout line when that is the only open accessible line. 28 CFR §36.302(d).

Auxiliary Aids and Service Required To Ensure Equal Access

Auxiliary aids and services must be provided to ensure that disabled people receive *equal* access to and use of goods and services unless such steps would fundamentally alter the good or service being offered or would result in an undue burden. 42 USC §12182(b)(2)(A)(iii). An "auxiliary aid or service" is a method or accommodation to make visual materials available to the visually impaired, aural materials available to the deaf, and other measures to ensure effective communication. The regulations provide a list of examples, including interpreters, note pads,

telephone handset amplifiers, television decoders, and Braille materials. 28 CFR §36.303.

The regulations stress that the requirement is flexible; the accommodation can be based on various alternatives as long as the result is effective. Under this rule, for example, a restaurant need not have menus in Braille if staff is made available on request to read the menus. 28 CFR pt 36, App B §36.303.

"The purpose of the ADA's public accommodations requirements is to ensure equal accessibility to the goods offered by a public accommodation, not to alter the nature or mix of goods that the business has typically provided . . ."

Removal of Architectural and Communication Barriers Required if Readily Achievable

Architectural and communication barriers that are structural in nature in existing facilities must be removed when such removal is readily achievable. If removal is not readily achievable, accommodations must be made available through alternative methods if those are readily achievable. 42 USC §§12182(b)(2)(A)(iv), (v); 28 CFR §36.305. For instance, new hallways must be a certain width, whereas in existing hallways, it may be sufficient to remove furniture that acts as an obstacle to wheelchairs or walking canes for the blind. Another alternative is to arrange to conduct business in an area of the facility that is accessible to the disabled.

What constitutes "readily achievable" barrier removal must be determined on a case-by-case basis, and in an on-going manner. For example, it might be appropriate to ramp a barrier comprised of a single stair but not a whole flight of stairs. Further, what might not be readily achievable one year might be in another year. 28 CFR pt 36, App B, §36.304. Factors that come into play in determining what constitutes "readily achievable" are listed in the glossary of terms in the appendix to this article on page 74.

CAVEAT: *If a private entity also provides transportation to people incidental to its other services or offers examinations or courses related to education, professional, or trade purposes, the ADA imposes additional obligations. See 42 USC §§12184, 12189.*

NEW CONSTRUCTION AND ALTERATIONS: A NATIONAL BUILDING CODE

The U.S. Architectural and Transportation Barriers Compliance Board (ATBCB) issued guidelines defining requirements for new construction and acceptable alterations. See 42 USC §12204; 36 CFR §1191.1, App A, 28 CFR Pt 36 App A.

CAVEAT: *The guidelines have been published twice; once as ATBCB guidelines in Title 36 of the Code of Federal Regulations, and the second time as regulations adopted by the Department of Justice in Title 28 of the Code, where they have the force of law.*

The guidelines apply not only to permanent structures but also to temporary ones, such as bleachers, temporary classrooms, and temporary pedestrian ways around construction sites. They also apply to the areas leading to and from, but not including, employee work areas. They do not apply to maintenance catwalks, elevator pits, and similar maintenance ways. 28 CFR 1191.1 App A 4.1.1(3)-(5).

If an alteration made to comply with the accessibility provisions would threaten or destroy the historical significance of certain historical buildings or facilities, alternative methods of access must be provided. 28 CFR §36.405.

In effect, this portion of the ADA is a new national uniform building code for facilities that are open to the public, combined with a mandate that businesses take "readily achievable" steps to conform to this code. To the extent that state or local laws impose requirements more rigorous than those imposed by the ADA and its guidelines, the more rigorous standard prevails. 42 USC §12201(b).

PRACTICE TIP: Architects and contractors should be familiarizing themselves with the new ATBCB Guidelines and the California Building Code regulations—especially the emergency warning device provisions. A knowledgeable licensed architect or contractor should assist during the design and building process to ensure compliance.

"Structurally Impracticable" Exemption

The requirements for construction of readily accessible facilities may not apply when an entity can demonstrate that it is "structurally impracticable" to meet those requirements. 42 USC §12183(a)(1). However, the window created by the "structurally impracticable" exemption is not large. For example, the House Judiciary Committee Report notes cir-

cumstances where facilities are typically built on stilts to avoid flooding common to that area of the country. HR Rep No. 101-485(II), 101st Cong, 2d Sess, 120 (1990), reprinted in 1990 US Code Cong & Ad News 303, 403. In such cases, the accessibility requirements will not override the need to protect the physical integrity of the facility or threaten others who use it. Hilly terrain, however, does not fall within this exception. 28 CFR pt 36, App B, §36.401(c).

"To the extent that state or local laws impose requirements more rigorous than those imposed by the ADA and its guidelines, the more rigorous standard prevails."

New Alterations to Existing Structures

When new alterations are made to existing structures, the altered area must comply with the regulations. When a primary function (a major activity for which the facility is intended) is affected by the alteration, the alteration must be made to ensure that, to the maximum extent feasible, the path of travel to the area and to restrooms, drinking fountains, and telephones serving the altered area are readily accessible to and usable by disabled individuals. 28 CFR §36.403(a), (b). The cost of alterations made to provide an accessible path of travel to the altered area may constitute up to 20 percent of the cost of the alteration to the primary function area, but will be deemed disproportionate when the cost exceeds that percentage. 28 CFR §36.403(f). Ordinary maintenance tasks like changing light bulbs, wall papering, and painting do not constitute "alterations." 28 CFR §36.402(b)(1).

California and ADA Building Requirements Compared

The ADA is an additional law with which California owners must comply. 42 USC §12201(b). Requirements under both the ATBCB guidelines and the state and local building codes must be met.

A state may submit its own accessibility regulations to the United States Attorney General for certification, after prior notice and a public hearing, that the regulations establish accessibility requirements that meet or exceed ADA requirements. Certification constitutes rebuttable evidence that the state law meets or exceeds all minimum requirements under the ADA. 42 USC §12188(b)(1) (A)(ii).

California submitted the California State Building Code (Title 24 of the California Code of Regulations) for certification in July 1995. Although Title 24 has not yet been certified, the Division of the State Architect anticipates that certification will be granted eventually.

CONCLUSION

Although the ADA mandates that architectural and communication barriers be eliminated, the drafters did recognize that economic realities dictate that the goal be reached gradually. Over time, accessibility will be the rule rather than the exception. Because it

is easier to build accessible walkways, restrooms, and other facilities than it is to reconstruct an existing facility, stricter requirements apply to new construction and alterations. Lesser obligations are required for removing structural barriers in existing facilities.

The table on page 76 in the appendix following this article compares some of the requirements under the ATBCB to California's building requirements. Although the organization of the ATBCB guidelines and the California requirements differ significantly, most of the specific requirements are similar.

Appendix

GLOSSARY.

GLOSSARY OF TERMS

Accessible Path of Travel: A continuous, unobstructed way of pedestrian passage to approach an altered area from the exterior (from curb ramps and parking access), through the entrance to the altered area and other parts of the facility. 28 CFR §36.403.

Auxiliary Aids and Services: Effective methods of making aurally delivered materials available to the hearing impaired, visually delivered materials available to the visually impaired, and other similar actions. 28 CFR §36.303.

Commercial Facility: A facility whose operations will affect commerce, are intended for nonresidential use by a private entity, are not aircraft or railroad cars, and are expressly covered or exempted from the Fair Housing Act of 1968 (42 USC §3601-3619). 42 USC §12181(2); 28 CFR §36.104.

Disability: A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment. 28 CFR §36.104.

Direct Threat: A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. 28 CFR §36.208.

Disproportionate: Alterations made to provide an accessible path of travel to the altered area are disproportionate when the cost exceeds 20 percent of the cost of the primary function area. 28 CFR §36.403.

Place of Public Accommodation: A facility operated by a private entity whose operations affect commerce and fall within any of the following categories:

- Places of lodging;
- Establishments serving food or drink;
- Places of exhibition or entertainment;
- Places of public gathering;
- Sales, rental, or service establishments;

- Stations used for specified public transportation;
- Places of public display or collection;
- Places of recreation or exercise;
- Places of education; and
- Social service center establishments. 28 CFR §36.104.

Primary Function: A major activity for which the facility is intended, not including mechanical rooms, supply storage rooms, janitorial supply rooms, employee lounges, and restrooms. 28 CFR §36.403(b).

Public Accommodation: A private entity that owns, leases or leases to, or operates a place of public accommodation. 42 USC §12181(7); 28 CFR §36.104.

Readily Achievable: Easily accomplishable and able to be carried out without much difficulty or expense, taking into account the same factors as those considered in determining what constitutes an "undue burden." 28 CFR §36.104.

Structurally Impracticable: Those rare circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features. Even then, when full compliance is structurally impracticable for certain disabilities, accessibility should be ensured for those with other disabilities. 28 CFR §36.401(c).


Undue Burden: Significant difficulty or expense, taking into account:

- The nature and cost of the action;
- The overall financial resources of the site or sites involved, number of persons employed at the site, the effect on expenses and resources, legitimate safety requirements, and the impact of the action on the operation of the site;
- The geographic separateness of the site and administrative relationship of the site to any parent corporation or entity; and
- If applicable, the financial resources, size, and work force of any parent entity. 28 CFR §36.104.

TABLE.
Facilities Access
Compliance

Facilities Access Compliance Under the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the California Uniform Building Code

Element	ADA (All references are to ADAAG (36 CFR §1191.1) unless stated otherwise. See also parallel citations in 28 CFR Part 36)	UBC (All references are to 24 Cal Code Regs unless stated otherwise)
A. Requirements for all new construction: Accessible Route: A continuous unobstructed path connecting accessible elements and spaces of a building or facility.		
Number of Accessible Routes on Exterior of Facilities	At least one accessible route must be provided from public transportation stops, accessible parking spaces, passenger loading zones, if provided, and streets or sidewalks, to an accessible building entrance, and at least one such route must connect accessible buildings and facilities. 4.1.2. The accessible route must coincide to the maximum extent feasible with the route for the general public. 4.3.2.	Site development and grading must be done to provide access to all entrances and ground level exits, and between buildings on a site. An accessible route must be the most practical direct route between accessible entrances and facilities. 1127B.1. An accessible route must be provided to all portions of the building, to entrances, and the public way. It must coincide to the maximum extent feasible with the route for the general public. 1114B.1.2. Walks and sidewalks must be at least 48" wide and slip-resistant. They must be free of gratings whenever possible, and where necessary, the grate holes must not exceed 1/2" in the direction of travel. 1023.1, 1114B.1.1.
Quality and Characteristics of Accessible Routes	Minimum clear width is 36". Where 180-degree turn is necessary on route, turn-around space must be at least 48". If a route is not at least 60" wide, "T" intersections or a 60" x 60" space must be provided at least every 200'. 4.3.3, 4.3.4. Accessible routes must have at least 80" of clear head room. If the area adjoining an accessible route has less than 80" of head room, a detectable warning must be placed to notify visually impaired persons. 4.3.5, 4.4.2. The surface area must be firm, slip-resistant, and stable. 4.5.1. Slope along the direction of travel must not exceed 1:20. 4.3.7. Changes in level greater than 1/4" must be beveled. 4.5.2.	The minimum width of corridors and aisles depends on the "occupant load" of a building, but cannot be less than 36". Clear head room in corridors must be 84" or 96", again depending on the occupancy load. 1003.2, 1005.2, 1005.3, 1014.2, 1114B.1.1.
Carpets and Vent Gratings	Carpets cannot exceed 1/2" in height. 4.5.3. Grates must not have openings greater than 1/2" in the direction of travel. 4.5.	Carpets must be securely attached and have a firm cushion or backing. Maximum pile height is 1/2". If gratings have elongated openings, they should be placed so that the long dimension is perpendicular to the dominant direction of travel. 1124B.
Space Allowance	The minimum clear width for a single wheelchair is 32" at any point and 36" continuously; 60" is needed for two wheelchairs to pass or for one to turn around in one place. 4.2.1-4.2.3. Objects protruding from walls between 27" to 80" high may not protrude more than 4".	The minimum clear width for single wheelchair passage is 32" at a point and 36" continuously. The minimum width for two wheelchairs to pass is 60". The space required for a wheelchair to make a 180-degree turn is a clear space of 60" in diameter or a T-shaped space. The minimum

Element	<p align="center">ADA (All references are to ADAAG (36 CFR §1191.1) unless stated otherwise. See also parallel citations in 28 CFR Part 36)</p>	<p align="center">UBC (All references are to 24 Cal Code Regs unless stated otherwise)</p>
		<p>clear floor space required to accommodate a wheelchair is 30" x 48".</p>
<p>Reach Requirements</p>	<p>If clear floor space allows only for forward reach, the maximum high forward reach is 48", and the maximum low forward reach is 15". Side reach cannot be lower than 9" or higher than 54". 4.2.4.</p>	<p>Forward and side reach requirements are the same as under ADAAG 1118B.</p>
<p>Protruding Objects</p>	<p>Objects protruding below 27" high may protrude any amount, but must not reduce the clear width of an accessible route or maneuvering space. 4.4.1.</p>	<p>Requirements for protruding objects are the same as under ADAAG 1121B.</p>
<p>Parking Spaces and Lots</p>	<p>In general, at least 4% must be accessible in normal retail establishments with lots of up to 100 spaces, and 2% of spaces over 100 must be accessible (1% over 1000). 4.1.2(5)(a). Further, 1 in every 8 accessible spaces must be "van accessible." This requires that the space be served by an access aisle at least 96" wide, and have vertical clearance of at least 9'6" at loading zones. 4.1.2(5)(b), 4.6.5. It also must provide a sign for van accessibility. 4.6.4. An accessible space must be at least 96" (8') wide and located on the shortest accessible route to an accessible entrance, and each spot must have an adjacent access aisle at least 96" (8') wide with 98" vertical clearance. 4.6.2, 4.6.3, 4.6.5. The slope must be no greater than 1:50 in any direction. 4.6.3. Accessible spots and van accessible spots should be designated by the accessibility sign and van accessible sign as appropriate.</p> <div data-bbox="591 1402 760 1549" style="text-align: center;">  </div> <p align="center">Van Accessible</p>	<p>In general, at least 4% must be accessible in normal retail establishments with lots of up to 100 spaces, and 2% of spaces from 100 to 200 total spaces must be accessible (1% over 1000). 1129B.1. Entrances to accessible parking structures must have at least 8'2" clear height. 1130B. Accessible parking spaces must be located on an accessible route and as near as practical to a primary entrance and must be 14' wide, consisting of a 9' parking area and a 5' loading access aisle on the passenger side of the vehicle. Two spaces may use a common adjoining loading aisle. The minimum length of an accessible space must be 18'. 1 in every 8 accessible spaces, but not less than 1, must be van accessible. A bumper or curb must be located to prevent encroachment by adjoining non-accessible stalls. 1129B.4. Slope of accessible spaces must not exceed 1:48. 1129B.4.4. Signs of international accessibility must be posted that are at least 70 sq. inches, and when in a path of travel, the base of the sign must be at least 80" high. The sign must be white characters on dark blue background. An additional sign must be posted at each entrance to off-street parking facilities that is at least 17" x 22" with <i>specified text</i> at least 1" high, noting that unauthorized parking may result in towed vehicle at owner's expense, and further identifying reclamation telephone number and address. 1129B.5. The surface of each accessible space must also have a 36" x 36" sign of accessibility painted in the space visible to traffic enforcement officers when a space is occupied. 1129B.</p>
<p>Building Entrances, Doors, and Controls</p>	<p>At least 50% of all building entrances must be accessible, and at least 1 accessible entrance is required for each separate store in a mall. There must be at least the same number of</p>	<p>All entrances and all exterior ground-level exits must be accessible. 1114B.1.3. Required door widths depend on the occupancy load of a building. In general, however, doors</p>

Element	ADA (All references are to ADAAG (36 CFR §1191.1) unless stated otherwise. See also parallel citations in 28 CFR Part 36)	UBC (All references are to 24 Cal Code Regs unless stated otherwise)
	<p>accessible entrances as total number of entrances required by local building and fire codes. At least 1 accessible entrance must connect with an accessible route and parking. 4.1.3(8). Directional signage must be placed on inaccessible entrances (see "Signage" below). Accessible doors cannot be revolving or turnstile. 4.13.2. The door must have a minimum width of 32" and the depth cannot be greater than 24". 4.13.5. The area around the door should be clear from obstructions within 60" of the hinge and at least 18" from the swinging side of the door. 4.13.6. Doors in a series must not swing toward each other and must have at least 48" space between them, not including the swing radius. 4.13.7.</p> <p>In general, thresholds should not exceed 3/4" in height for exterior doors, and 1/2" for interior doors. 4.13.8.</p> <p>Latches, controls, and handles must be operable without tight grasping or twisting, and doors must open without significant push force. 4.13.9 The maximum force to push open a door generally should not exceed 5 lbs. of force. 4.13.11.</p>	<p>must permit at least a 32" minimum clear width and at least 6'8" clear height. 1004, 1114B.1.1, 1133B.</p> <p>Controls and operating mechanisms must be operable with one hand and must not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls must not exceed 5 lbs. of force. 1117B.6.</p>
Display Units, Racks	<p>In mercantile businesses, shelves or display units accessible to the public must also be on an accessible route. 4.1.3 (12)(b).</p>	
Drinking Fountains	<p>At least 50% of drinking fountains must be accessible, meaning that they must comply with reach requirements both for wheelchairs and for those who have trouble stooping (usually a "hilo" design fountain). 4.1.3(10). For persons who use wheelchairs, spouts not to exceed 36" high must be located at the front of the fountain, must project at least 4" high, and be directed nearly parallel to the front. Controls to operate the fountain are the same as for doors (<i>i.e.</i>, no tight twisting or gripping). 4.15.</p>	<p>Drinking fountains must be contained in alcoves at least 32" wide and 18" deep or otherwise positioned so as not to encroach into pedestrian ways. 1117B.1.2.</p>
Signage	<p>Signs directing patrons to accessible parking, passenger loading zones, entrances when not all are accessible, and toilet facilities when not all are accessible, must be provided. 4.1.2(7). Volume control and text telephones, and assistive listening systems also must be identified by international symbols for these devices. 4.30.7. When telephone banks do not have text telephones, directional signage is required.</p> <p>Overhead signs (at least 80" clear head room) must have characters at least 3" high. 4.4.2, 4.30.3. Mounting height for permanent identification of rooms must be 60" to the center of the</p>	<p>The international symbol of accessibility must be the standard used to identify accessible facilities. It must consist of a white figure on a specifically identified color blue background (Color No. 15090 in Federal Standard 595B). 1117B.5.1. Character, stroke dimensions, and mounting height are the same as under ADAAG. 1117B.5.3–1117B.5.9.</p> <p>Restroom sign requirements are found at "Restrooms," below.</p>

Element	<p align="center">ADA</p> <p align="center">(All references are to ADAAG (36 CFR §1191.1) unless stated otherwise. See also parallel citations in 28 CFR Part 36)</p>	<p align="center">UBC</p> <p align="center">(All references are to 24 Cal Code Regs unless stated otherwise)</p>
	<p>sign. 4.30.6. Letters and numerals must be raised at least 1/32" and must be accompanied by Grade 2 Braille. 4.30.4. The characters and background must be non-glare finish. Characters must contrast with the background. 4.30.5. Building directories, menus, and other temporary signs are not required to comply. 4.1.3(16).</p>	
<p>Elevators</p>	<p>Complex rules: In general, for buildings <i>other than</i> health care offices, shopping malls, and those places of public accommodation designated by the Attorney General, elevators are not required when building is less than 3 stories, or has less than 3000 square feet per story (including ground floor). 28 CFR §§36.401, 36.404.</p> <p>Accessible elevators must have a leveling feature that brings the car within ½" of floor height. Call buttons must be centered at 42" high, must be at least ¾" high and must have visual call and answer features. Visible and audible signals (once for "up", twice for "down") must be at each hoistway. Raised and Braille floor designations must be at each hoistway entrance. Doors must remain open at least 3 seconds for each door call. The entrance must be at least 36" wide, and the car must be at least 51" deep and 68" wide. Car floor buttons must not be more than 54" high for side reach and 48" for front reach. 4.10.</p>	<p>In general, many requirements for elevators are the same as under ADAAG. 1103B.1. See 3003.4.2 (leveling feature), 3003.4.8 (call buttons), 3003.4.15 (visible and audible signals at hoistways), 3003.4.6.2 (3-second door call open), 3003.4.4 (entrance), 3003.4.7 (depth and width), 3003.4.8 (call button height requirements).</p> <p>There are numerous additional requirements regarding telecommunications in elevators, markings on control panels and at door jambs, and controls. See generally, ch 30.</p>
<p>Restrooms</p>	<p>All should be accessible and should be on an accessible route. Within restrooms, at least 1 water closet, urinal, lavatory, and mirror must be accessible. 4.1.3 (11), 4.22. Toilet seats should be between 17" and 19" high and have grab bars affixed between 33" and 36" high along the side and/or back of the toilet. Clear space on the toilet side should be at least 36". Minimum frontal clearance in floor space varies between 56" and 66", depending on, e.g., arrangement, compartment door location. 4.16.</p> <p>Lavatories should be mounted with the rim no higher than 34" and should have a clearance of at least 29" from the floor. Approach space should be at least minimum clear floor space of 30" by 48". 4.19.2, 4.19.3. (See also "Space Allowance and Reach," above).</p> <p>Urinals must not exceed 17" at rim and must have the minimum clear floor space for approach. 4.18.</p> <p>Faucets and toilet controls should be lever-operated, push type, or electronically controlled. If self-closing valves are used, they should</p>	<p>Passageways leading to sanitary facilities must have clear access. All doorways leading to them must have a clear unobstructed opening width of 32", a level and clear area of 60" in the direction of the door swing, and a clear area adjacent to the latch edge of 24" for exterior doors and 18" for interior doors. Doorways leading to such facilities must have specific identification symbols for each sex (or for uni-sex facilities). 1115.B.4.</p> <p>At least 1% of all lockers must be accessible. 1115B.6.4.</p> <p>In multiple-accommodation toilet facilities, there must be a clear space of 60" in diameter or a space 56" x 63". Doors may not encroach into this area by more than 12". Compartment doors must have an automatic closing device. Door handles must be loop or U-shaped. There are additional requirements where six or more stalls are provided within a single toilet room. 1115B.7.1.</p> <p>In single-accommodation toilet facilities, there must be sufficient space for a wheelchair</p>

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	<p>remain on for at least 10 seconds. 4.16.5, 4.19.5. Hot water and drain pipes should be insulated or configured to protect against contact. 4.19.4.</p> <p>The bottom of the reflecting surface of the mirrors should not exceed 40" above the floor. 4.19.6.</p>	<p>measuring 30" wide by 48" long to enter the room and permit the door to close. There must be a clear floor space of at least 60" in diameter in the room. 1115B.7.2.</p> <p>Grab bars must be located on each side or on one side and the back. They must be 33" above the floor or up to 36" above the floor where a tank-type toilet is used. They must be able to withstand a shear force of at least 250 lb. point load. 1115B.8.</p> <p>Lavatories must have a clear floor space approach of 30" x 48" to allow for a forward approach. Mirrors must not have a bottom edge higher than 40" from the floor. All towel, napkin, and other dispensing and disposal fixtures must be located within 40" of the floor. 1115B.9.</p> <p>Urinals must have a clear forward approach space of at least 30" x 48". 1115B.9.4.</p>
Telephones	<p>If telephones are provided to the public on more than an incidental basis, at least one telephone per floor and at least one phone per bank of phones must comply with rules on protruding objects (4" if in a corridor). 4.1.3(17), 4.31.4. Maximum mounting height should be 48" (front approach) or 54" (side approach). Floor clearance space should be at least 30" x 48". 4.31.2, 4.31.3. Accessible phones should have volume controls, and text phones should be included if there are at least four phones at a site and at least one is inside. 4.1.3(17), 4.31.6, 4.31.9. Cords must be at least 29" long. 4.31.8.</p>	<p>Accessible public telephones must comply with the clear maneuvering, approach, and space allowance and reach ranges identified above. 1117B.2.</p> <p>Entrances to full height enclosures must be at least 30" wide. 1117B.2.7.</p> <p>At least 25% of all public telephones in one location must have a volume control. They should also be equipped with a shelf and an electrical outlet to accommodate a text telephone. Cords must be at least 29" long. Controls should be push-button where available. Telephone books should be within standard space allowance and reach ranges. 1117B.2.8-1117B.2.12.</p>
Storage	<p>At least one storage facility must comply with standard space, allowance, and reach ranges and must be on an accessible route. 4.1.3(12), 4.25</p>	<p>Generally, the same as under ADAAG. 1125B.</p>
Emergency Warning Systems	<p>If emergency warning systems are provided, they must include both audible and visual warning systems. Emergency audible alarms must produce a sound at least 15 dbA in excess of the prevailing equivalent sound level in the space, not to exceed 120 dbA. Visual alarms must be clear or unfiltered white, a xenon strobe type or equivalent, and must be of an intensity of at least 75 candela. They should be at least every 50' in common hallways or corridors and at least 80" above the floor. 4.1.3(14), 4.28.</p>	<p>California Building Code regulations for emergency warning systems are too extensive and complex to be sufficiently addressed. See generally ch 35.</p>

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<p>Seating Spaces</p>	<p>Accessible seating at tables or built-in seating should comprise at least 5% of all seating, and must be on an accessible route. 4.1.3 (18). Clear knee space of at least 27" high, 30" wide, and 19" deep must be provided. The tops of tables or counters must be from 28" to 34". 4.32.</p> <p>In assembly areas such as lecture halls and theaters, a specific variable percentage of seats must be accessible, and when there are more than 300 total seats, the accessible seating must be interspersed. 4.1.3(19), 4.33.3.</p>	<p>Where fixed or built-in seating, tables, or counters are provided for the public, and in general employee areas, 5%, but never less than 1, must be accessible. 1122B.1.</p> <p>Accessible clear floor space (30" x 48"), that cannot overlap knee space by more than 19", is required. If seating for persons in wheelchairs is provided, knee space at least 27" high, 30" wide and 19" deep must be provided. The tops of tables and counters must be 28" to 34" above the ground. 1122B.1-1122B.4.</p>
<p>B. Special Facilities under ADAAG (requirements are in addition to those stated above). In California, all requirements are based on "occupancy" and "group."</p>		
<p>Restaurants and Cafeterias</p>	<p>In establishments where separate areas are designated for smoking and nonsmoking patrons, accessible seating spaces/tables must be interspersed. Where food or drink is served at counters exceeding 34", a portion of the main counter at least 60" long that is accessible must be provided at the counter or at nearby accessible tables. Access aisles and food service lines should be at least 36" wide. 5.1, 5.2, 5.5. All dining areas (indoor, outdoor, sunken) must be accessible.</p> <p>In non-elevator buildings, no accessible access to dining mezzanines is required if three conditions are met: (1) mezzanine seating is no more than 33% of accessible seating area; (2) the same services and decor are provided in an accessible space usable by the general public; and (3) accessible areas are not restricted to use by the disabled. 5.4.</p> <p>Self-service shelves and dispensing devices must be within space allowance and reach ranges. 5.5, 5.6.</p>	<p>Dining, banquet, and bar facilities must be accessible, including entrances, seating space, restrooms, food and beverage display shelves, and dispensing devices. 1104B. Each dining, banquet, and bar area must have at least 5% wheelchair seating spaces of total seats. 1104B.5.4. Access to such seating spaces must be provided with main aisles not less than 36" clear width. 1104B.5.4. Food service aisles must have at least 36", and preferably 42" clear width where passage of stopped wheelchairs by pedestrians is desired. Tray slides must be mounted no higher than 34" above the floor. 1104B.5.5.</p>
<p>Medical Care Facilities</p>	<p>In hospitals, psychiatric facilities, and detoxification facilities, at least 10% of patient bedrooms and toilet rooms, and all of public use and common use areas, must be accessible. In facilities that specialize in treating mobility conditions, all areas must be accessible. In nursing care and long-term facilities, at least 50% of patient bedrooms and toilet rooms and all public and common use areas must be accessible. 6.1.</p> <p>Each accessible bedroom must have minimum clear floor space of at least 36" along each side of the bed, along an accessible route. Clear maneuvering space (60" x 60" or "T" turn option) should be in every accessible bedroom. 6.3.</p>	<p>Generally, at least one accessible entrance must be protected from the weather by canopy or roof overhang. Passenger loading zones must provide an access aisle at least 60" wide and 20' long, adjacent and parallel to the pull-up space, with minimum vertical clearance of 114" at accessible passenger loading zones and along vehicle access routes to such areas. 1109B.2</p> <p>In long-term care facilities, at least 50% of patient bedrooms and toilet rooms, and all public use and common use areas, must be accessible. 1109B.3.1.</p> <p>In general-purpose hospitals, psychiatric facilities, and detoxification facilities, at least 10% of</p>

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		<p>patient bedrooms and toilets, and all public use and common use areas, must be accessible. 1109B.3.2.</p> <p>In hospitals and rehabilitation facilities that specialize in mobility conditions, all bedrooms and all public and common use areas must be accessible. 1109B.3.3.</p> <p>Accessible patient bedrooms must have (1) a turning space 60" clear in diameter or that is T-shaped, (2) 36" clear floor space along each side of the bed along an accessible route, and (3) an accessible door. 1109B.4.</p>
Business and Mercantile	<p>At banking or cashier teller counters, a portion of the main counter must be a minimum of 36" long and a maximum of 36" high. If not feasible, an auxiliary or folding counter that has these attributes is acceptable. 7.2.</p> <p>Where there are 8 or fewer total check-out aisles, 25% must be accessible, unless the selling space of a retail establishment is less than 5000 sq. ft., when only 1 check-out aisle must be accessible. Clear aisle width for accessible aisles is 36", and the maximum adjoining counter height is 38", with the top of a lip not to exceed 40". Directional signage is required. 7.3. Security bollards (cart theft barriers) must not prevent access by wheelchairs. 7.4.</p>	<p>In business and professional offices, including those of attorneys, dentists, accountants, real estate persons, insurance persons, and consultants, areas to be made accessible include client and visitor areas, conference rooms, and counseling rooms, together with restrooms, as required above. Generally, employee work areas must have a minimum of 36" wide clear access. 1105B.3.2.</p> <p>General sales, display, and office areas, together with related toilet rooms, must be accessible. At least 1 of up to 4, 2 of up to 8, and 3 of up to 15 checkstands, plus 20% of additional checkstands, must be accessible, unless the selling space of a retail establishment is less than 5000 sq. ft., when only 1 check-out aisle must be accessible. Accessible check-out aisles must be at least 36" wide with a maximum adjoining counter height not exceeding 38" and a counter lip not to exceed 40" high. Accessible checkstands must display the international symbol of accessibility in white on a blue background, and must state that "This checkstand to be open at all times for customers with disabilities." 1110B.1.3. Security bollards (cart theft barriers) must not prevent minimum point access by wheelchairs (32"). 1110B.1.6.</p> <p>Professional medical and dental offices also must be made accessible as required in "Medical Care Facilities," above. 105B.3.2.4, 1109B.</p>
Libraries	<p>At least 5% of fixed seating, tables, or study carrels must be accessible and must be on a fixed route. 8.2. At least 1 check-out lane must be accessible as required for retail establishments. 8.3. Maximum reach height for card catalogs and magazine displays is 54", although 48" is preferred <i>regardless of approach</i>. 8.4.</p>	<p>Library general use areas such as those housing, <i>e.g.</i>, card files, book stacks, periodicals, information desks, and circulation counters, must be made accessible. 1106B.4. Open book stacks may be "of normal" height and must have main aisles no less than 44" wide, and other aisles no less than 36" wide. Unless an attendant is available to assist persons with</p>

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	Minimum clear aisle width between stacks must be accessible, with a minimum clear aisle width of 42" where possible. Shelf height in stack areas is unrestricted. 8.5.	disabilities, all book shelving must be located not more than 54" above the floor. Reach heights at card catalogs and magazine displays must comply with space allowance and reach ranges. 1106B.4, 1118B.
Accessible Transient Lodging (e.g., hotels, inns, boarding houses, resorts, not including 5 or fewer rooms, 1 of which is proprietor-occupied)	All public use and common use areas are required to be accessible. At least 4% of rooms in establishments with up to 100 rooms, and a smaller percentage for establishments with more than 100 rooms, must be accessible. The requirements for space allowances, accessibility, telephones, emergency warning, and storage also apply where provided generally. Where there are over 50 rooms, roll-in showers with fold-out seats are also required. 9.1- 9.4.	All public use and common use areas are required to be accessible. At least 4% of rooms in establishments with up to 100 rooms, and a smaller percentage for establishments with more than 100 rooms must be accessible. The requirements for space allowances, accessibility, telephones, emergency warning, and storage also apply where provided generally. Rooms must have 36" clear width along both sides of a bed. There are numerous additional slight modifications to standard accessibility requirements. See generally 1111B.