

# **CALIFORNIA COMMISSION ON DISABILITY ACCESS CHECKLIST COMMITTEE**

Teleconference Meeting Minutes  
August 26, 2020

## **1. Call to Order**

Chair Brian Holloway welcomed everyone and called the teleconference meeting of the Checklist Committee of the California Commission on Disability Access (CCDA) to order at approximately 1:30 p.m.

Chair Holloway reviewed the meeting protocols.

### **Roll Call**

Staff Member Saenz called the roll and confirmed the presence of a quorum.

#### Commissioners Present (via teleconference):

Brian Holloway, Chair

Assembly Member Tom Lackey's Office

#### Committee Members Present (via teleconference):

Mark Christian, American Institute of Architects California

Erika Frank, Executive Vice President, Legal Affairs, and General Counsel, California Chamber of Commerce (CalChamber)

Beth Maynard, California Building Standards Commission

Ike E. Nnaji, Ph.D., Principal, Disability Access Specialists, Inc.; Certified Access Specialist (CASp)

Mehdi Shadyab, Senior Structural Engineer, City of San Diego; Certified Access Specialist (CASp)

Debbie Wong, Department of General Services (DGS), Division of the State Architect (DSA)

William Zellmer, AIA, CASp, Sutter Health

#### Committee Members Absent:

Richard Halloran, CASp, Consultant, Retired Senior Building Inspector, City and County of San Francisco

#### Staff Present:

Angela Jemmott, Executive Director

LaCandice Ochoa, Operations Manager

Davina Saenz, Marketing and Outreach Analyst

Theresa Brown, Data & Research Analyst

#### Also Present:

Michael Jamnetski, Chief of Legislation, Contractors State License Board

**California Commission on Disability Access  
Checklist Committee  
August 26, 2020, Teleconference Meeting Minutes**

Ben Conway, Disability Rights California  
Matan Koch, Director, RespectAbility California  
Alex Warner, City of San Diego

**2. Approval of Meeting Minutes (May 20, 2020) – Action**

Chair Holloway asked for a motion to approve the minutes from the May 20, 2020, meeting.

**Motion:** Committee Member Shadyab moved to approve the May 20, 2020, California Commission on Disability Access Checklist Committee Meeting Minutes as presented. Committee Member Christian seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Committee Members Christian, Frank, Maynard, Nnaji, Shadyab, Wong, Zellmer, and Chair Holloway.

**3. Comments from the Public on Issues Not on This Agenda**

Matan Koch, Director, RespectAbility California, stated RespectAbility has recently published two resources: a guide with a national focus on virtual education resources and access for individuals with disabilities during the time of the COVID-19 pandemic, and a guide for job seekers with disabilities in the Los Angeles area, which was developed with the help of a California Workforce Development Grant. He noted that, while the job-seekers guide was designed as a Los Angeles guide, it will be valuable throughout California. He provided links to these resources to staff.

**4. CCDA 2020 Strategic Goal: Develop Educational Tools for Small Businesses to Promote and Facilitate Disability Access Compliance – Update and Discussion**

**a. Accessibility Construction Inspection Checklist 2020 Edition Draft**

**i. Review draft design by Office of State Publishing**

Chair Holloway stated final edits are being made to the 2020 edition of the Accessibility Construction Inspection Checklist based on a high-level review with the California Building Standards Commission. The Office of State Publishing is also working with staff on a web-based version of the checklist, which can be accessed by local inspectors and building officials working in the field.

**ii. Discuss CCDA's distribution plan: suggestions and goals**

Executive Director Jemmott thanked everyone for their efforts in updating the checklist. She asked for help from Committee Members in distributing the updated checklist to

**California Commission on Disability Access  
Checklist Committee  
August 26, 2020, Teleconference Meeting Minutes**

their networks. She asked Committee Members for feedback on organizations to send the checklist to.

Questions and Discussion

Committee Member Shadyab thanked everyone who took the time and effort to create and update this useful checklist. He asked if the checklist can be used in all improvements such as tenant improvements, new construction, or if it is focused for specific types of projects. He noted that, if it is meant for new construction, it may not be comprehensive enough.

Chair Holloway stated it is meant for existing structures, including new tenants.

Committee Member Shadyab stated, with the current title, individuals with improvements other than tenant improvements may be misguided that it is the only list required to be checked, thereby not checking other items that are also important. He suggested that the title of the checklist be "Accessibility Construction Inspection Checklist for Tenant Improvement Projects" so it defines that the checklist is intended for that purpose.

Committee Member Maynard agreed. She stated the need for the title to be more clearly defined.

Chair Holloway asked how the purpose can be better clarified.

Committee Member Shadyab suggested perhaps adding in parenthesis on the title page "to be used for office tenant improvements or for alternations and remodeling of existing buildings." The title should indicate that more information needs to be applied for new construction.

Chair Holloway suggested "not comprehensive for new construction."

Committee Member Shadyab agreed.

Executive Director Jemmott stated the direction by the original designers of the Accessibility Checklist is stated in the second paragraph on page 2. She stated the focus was to provide guidance through the most common accessibility issues in construction. She noted that there are new construction applications for this checklist such as the Rough Grade Site Inspection and Rough Form Foundation Inspection items on page 3 of the checklist.

Committee Member Wong agreed. She stated the Accessibility Checklist is not specifically for existing tenant improvements but is more general.

Committee Member Zellmer stated the information on page 2 of the checklist notes that the checklist is for use by trained building code officials and building inspectors. It is clear that the checklist is not for building owners as they do not know the building code. He asked if there is language in the checklist that it is not meant to be a comprehensive checklist but is a quick reminder. Code officials should know there is much more required than this checklist.

**California Commission on Disability Access  
Checklist Committee  
August 26, 2020, Teleconference Meeting Minutes**

Public Comment

Alex Warner, City of San Diego, stated she used often used the older list for ADA barrier removal projects. This list is helpful for professionals because it brings their attention to the most common elements of remodel projects.

**Action Items**

- No action items

**5. Accessible Parking Campaign – Update and Discussion**

**a. Establish Working Group(s) to Develop a Toolkit**

**i. Goals for 2021 timeline**

Executive Director Jemmott stated, accessible parking issues are consistently part of the top-ten alleged construction-related Americans with Disabilities Act (ADA) violations. She asked the Committee to discuss topics to be included in the table of contents for a toolkit on accessible parking. She asked the representative from the Contractors State License Board (CSLB) to share ideas about how the CSLB can contribute to the CCDA Accessible Parking Toolkit.

Michael Jamnetski, Chief of Legislation, CSLB, stated his organization can be a resource on rules and requirements and can provide important tips such as obtaining three bids before hiring a contractor, checking the CSLB website to ensure contractor licenses are active, and ensuring the necessary information is included in their contract. He stated the CSLB has checklists on topics such as what to look for in a contractor.

Questions and Discussion

Chair Holloway stated a logical chapter in the table of contents would be how to select a contractor, but the first item in the toolkit should answer the questions “why” and “how to use the toolkit.” The second item might be the kinds of users of this document and the third might be the types of parking.

Committee Member Nnaji stated business owners should be included as major stakeholders. Most businesses do not understand the parking requirement, off street on street parking, path of travel, and signage. Business owners need to be educated to understand the exposure to potential lawsuits. He suggested specifically calling out the path of travel from parking lot to entrance because many times individuals do not look at that.

Chair Holloway stated he is building up notes of what the table of contents can look like. The second item can be “the kinds of users of this document” and the third can be “the kinds of parking there are.” Examples such as angled parking, off-site on-site parking and additional details of what to look for can be included.

**California Commission on Disability Access  
Checklist Committee  
August 26, 2020, Teleconference Meeting Minutes**

Committee Member Shadyab stated parking is not an issue with large shopping malls but may become an issue at smaller shopping strips. He stated questions his organization have received should be included in the FAQ and are as follows:

- Does a business need to provide an accessible parking space or not?
  - What is the trigger? When do businesses need to have an accessible parking space?
- How many parking spaces does a business need to provide?
- Is a parking space required when the rest of the shopping strip does not have one?
- Can I use the city streets as providing my accessible parking space?
- When sharing an adjacent parking space, do I need to provide an accessible path from that parking space to my area of improvement?

Committee Member Shadyab suggested including illustrations to help define how to construct an accessible parking space. Many parking lots in small shopping strips are being restriped. Business owners do not need a contractor for this but they need to have information provided to them to help them stripe it correctly. He recommended including an illustration showing straight, diagonal, and parallel parking spaces to assist contractors, landlords, and small business owners. He noted that accessible street parking is not equivalent to having accessible parking on the lot.

Committee Member Wong stated, when parking spaces are provided, they shall comply to code. She stated on-street parking is likely a Title 2 city-owned situation.

Public Comment

Ben Conway, Disability Rights California, stated it does not have to be detailed but suggested flagging that there can be need for reasonable accommodations that are separate from the architectural and structural requirements of the ADA.

Executive Director Jemmott summarized suggestions made to this point on what to include in the table of contents:

- Include an overview of why and how to use this toolkit.
- Include the types of parking lots, the issue around them, and the path of travel.
- Include an overview of when an accessible parking space is required, and that, when a business has a parking space but it is not required, it still must be accessible.
- Clarify the distinction between the requirements of the city (Title 2) and privately-owned locations.
- Include accessible parking illustrations.
- Include instructions about measurements being performed.

**California Commission on Disability Access  
Checklist Committee  
August 26, 2020, Teleconference Meeting Minutes**

- Include a conversation directly to small business owners.
- Include a conversation directly to landlords and the distinction of their responsibility on this space.
- Include questions about common parking spaces, particularly in a strip mall and who is responsible.
- Include information on how to select a contractor and tools of selecting a contractor.
- Include the fact that beyond technical issues, reasonable accommodations are also required.

Executive Director Jemmott asked if the table of contents should include a section that speaks directly to contractors and individuals responsible for parking spaces.

Committee Member Shadyab stated the technical part of the toolkit about the specific details of parking space construction such as dimensions, slope, access aisle, signage, and path of travel to the primary entry requirements is important. The technical detail will benefit everyone in that it will help individuals see what needs to be done to bring their situation up to code.

Executive Director Jemmott asked if information should be included for individuals hired to do the work. She noted that there is not a requirement for continuing education for contractors after they pass the initial examination.

Public Comment

Alex Warner, City of San Diego, stated it is important to provide instructions to facility managers in the toolkit, along with design and construction groups.

A Certified Access Specialist (CASP) stated business owners often hire contractors without design professionals. Contractors perform the work incorrectly, which could be due to a lack of education. The speaker stated the CSLB should require contractors to have continuing education units.

**Action Items**

- No action items

**6. Supporting Education and Outreach Committee – Update and Discussion**

**a. Open Air Dining ADA Considerations**

**i. Distribution plan: Checklist Committee to assist E&O in sharing with their networks**

Executive Director Jemmott thanked Terry McLean, Architect, CASp, for creating the draft Open-Air Dining and Curbside Pickup Disability Access Considerations document, which was included in the meeting packet, and for Committee Members who vetted it.

**California Commission on Disability Access  
Checklist Committee  
August 26, 2020, Teleconference Meeting Minutes**

She stated the document is being translated into Spanish and Mandarin as part of the finalization process. She asked for input on distribution.

Questions and Discussion

Chair Holloway suggested including Civitas in the distribution list.

Committee Member Shadyab stated he will share the document after it is finalized with the Accessibility Committee on the Local International Code Council (ICC) San Diego Chapter, which consists of building officials from 21 jurisdictions in and around the San Diego area. He stated he will also ask the Public Information Officer in the Communications Department of the city of San Diego to post the document on the accessibility website to make it available to customers.

Committee Member Shadyab stated, in commemoration of the 30<sup>th</sup> anniversary of the ADA, the city of San Diego launched a program on their website for all members of the public to ask a question that has to do with accessibility and a CASp will answer those questions. He stated he has been getting questions from small business owners about open-air dining such as if the ramp that connects the sidewalk to the street has to be code compliant since it is a temporary solution to a temporary problem.

**Action Items**

- No action items

**7. 2021 Committee Meeting Calendar – Discussion and Action**

**a. Proposition of 2021 Calendar: Tentative Meeting Dates and Considerations**

Chair Holloway reviewed the tentative calendar for Committee meetings in 2021. He asked for a motion to adopt the proposed meeting dates.

**Motion:** Committee Member Shadyab moved to approve the Checklist Committee meeting dates for 2021 as presented. Committee Member Nnaji seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Committee Members Christian, Frank, Maynard, Nnaji, Shadyab, Wong, and Zellmer, and Chair Holloway.

**Action Items**

- No action items

**8. Future Agenda Items**

**California Commission on Disability Access  
Checklist Committee  
August 26, 2020, Teleconference Meeting Minutes**

Committee Member Shadyab suggested a discussion on additional checklists such as for family, unisex, and single-user restrooms and adult changing stations.

**9. Adjourn**

**Motion:** Committee Member Shadyab moved to adjourn the August 26, 2020, California Commission on Disability Access Checklist Committee meeting. Committee Member Christian seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Committee Members Christian, Frank, Maynard, Nnaji, Shadyab, Wong, and Zellmer, and Chair Holloway.

Chair Holloway adjourned the meeting at approximately 2:30 p.m.