

CALIFORNIA COMMISSION ON DISABILITY ACCESS CHECKLIST COMMITTEE

Teleconference Meeting Minutes
March 24, 2021

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 1:32 p.m. Due to the ongoing health emergency, and consistent with Executive Order N-29-20, this meeting was conducted entirely by Zoom and teleconference.

Staff Member Barsanti reviewed the meeting protocols.

Roll Call

Staff Member Barsanti called the roll and confirmed the presence of quorum.

Commissioners Present:

Brian Holloway, Chair
Drake Dillard

Committee Members Present:

Mark Christian, American Institute of Architects (AIA) California
Ike E. Nnaji, Ph.D., Disability Access Specialists, Inc.; Certified Access Specialist (CASP)
Mehdi Shadyab, Senior Structural Engineer, City of San Diego; CASp
Debbie Wong, Department of General Services (DGS), Division of the State Architect (DSA)
Bill Zellmer, AIA, CASp, Sutter Health

Committee Members Absent:

Erika Frank
Richard Halloran
Beth Maynard

Other Committee Members Present:

Souraya Sue ElHessen
Brian Jones, Senator, represented by Brixton Layne
Tom Lackey, Assembly Member, represented by Mary Maida

Staff Present:

Angela Jemmott, Executive Director
Richard Goldberg, Legal Counsel
Adam Barsanti, Associate Governmental Program Analyst
Theresa Brown, Data and Research Analyst
Stephanie Groce, Disability Access Technician

**California Commission on Disability Access
Checklist Committee
March 24, 2021, Teleconference Meeting Minutes**

Phil McPhaul, Operations Manager
Davina Saenz, Marketing and Outreach Analyst

Also Present:

Alejandra Warner, City of San Diego

2. Introduction New/Existing Members of the Checklist Committee – Discussion

Executive Director Jemmott stated this is the first Checklist Committee meeting for 2021. She asked the Members of the Checklist Committee to introduce themselves.

3. Approval of Meeting Minutes (August 26, 2020) – Action

Motion: Commissioner Dillard moved to approve the August 26, 2020, California Commission on Disability Access Checklist Committee Meeting Minutes as presented. Committee Member Shadyab seconded. Motion carried unanimously.

4. Comments from the Public on Issues Not on this Agenda

No members of the public addressed the Committee.

5. Highlight Top 10 Violations – Update and Discussion

Executive Director Jemmott reviewed the Highlight of Top Alleged Violations table for 2020, which was included in the meeting packet. She stated parking violations totaled 71 percent of the top ten violations collected in 2020. She noted that parking has been part of the top ten alleged violations since 2013, when the Commission begin gathering this data.

Executive Director Jemmott reviewed the Complaints and Prelitigation Letters Received by Places of Public Accommodation table for 2017 through 2020, which was included in the meeting packet. She stated sales or rental establishments and establishments serving food and drink each represented 35 percent of all alleged violations in California in 2020. She stated percentages can be provided per region upon request.

Executive Director Jemmott stated the 2020 publication of the Annual Report to the Legislature is in the review process and will be soon be posted on the website.

Questions and Discussion

A Committee Member asked if the tables in the meeting materials include new construction.

**California Commission on Disability Access
Checklist Committee
March 24, 2021, Teleconference Meeting Minutes**

Executive Director Jemmott stated the tables do not distinguish between new construction or existing facilities.

Commissioner Dillard stated he was surprised that the 2020 data is similar to past years. He stated he expected the numbers to be lower in 2020, due to the COVID-19 pandemic.

Commissioner ElHessen stated she sent a photo to staff showing the inaccessible parking at medical facilities in her area. She stated access aisles were not included with disabled parking spaces. She asked how Commissioners can help them to understand that this is incorrect.

Executive Director Jemmott stated any public user of facilities can provide them a prelitigation letter communicating that they are potentially in violation of access codes.

Committee Member Zellmer stated what is seen most often is a complaint will be lodged with the administration by talking with someone at the front desk. This provides the administration with an opportunity to research the requirements to determine what needs to be done to comply.

Commissioner ElHessen stated the medical facility recently added solar panels over the parking lot, which added to the inaccessibility.

Committee Member Zellmer stated this is common. If attention is not given to accessibility, the posts supporting the solar panels over the parking lot can inadvertently make parking stalls inaccessible. He suggested notifying the city building officials.

Commissioner ElHessen stated establishments apply for permits from the city for this work. Cities need to be educated about creating accessible parking spaces and about keeping parking accessible during improvements such as adding solar panels.

Chair Holloway suggested sending an email complaint to code enforcement with a cc to the building department. He stated individuals he has spoken to and handed his Commissioner card to have appreciated the heads up from someone who has some knowledge of the Americans with Disabilities Act (ADA) requirements.

Committee Member Nnaji stated businesses often do not pay attention to anything less than a lawsuit because they think they are grandfathered in and do not need to address issues. What complicates matters is that cities often say they enforce the building code not the ADA. This is a complicated issue.

Committee Member Wong wrote in the chat section that California access codes are based on the ADA.

Action Items

- No action items

**California Commission on Disability Access
Checklist Committee
March 24, 2021, Teleconference Meeting Minutes**

6. Continuation of Accessible Parking Campaign – Update and Discussion

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

(1) Set Goals and Times for Working Group

Executive Director Jemmott stated this Committee's creation of the California Consumer Toolkit is a great start. Now is the time to create a toolkit specifically on parking. She asked how to bring a toolkit for the business community on the area of parking and how to build subsets of Committee Members to work on it. The toolkit needs to be accurate and digestible but not too technical.

Executive Director Jemmott asked for ideas for areas for this toolkit. She suggested discussing creating working groups to develop this toolkit. She stated the toolkit should contain information categories on educating businesses on the top ten violations and what they look like, appropriate signage, CASps, and finding a contractor.

Questions and Discussion

Commissioner ElHessen agreed that the toolkit should highlight the top ten violations with a visual display of what compliance looks like and should also include resources – who to contact, where to go, and how to get started. Part of this is educating local city building, safety, and public works departments and ADA Coordinators to help facilitate the education process with these groups. She suggested also educating the ADA Coordinators on how to outreach to chambers of commerce and local businesses to support them. She volunteered to help draft a one-pager on contacts and resources for ADA Coordinators and others.

Chair Holloway suggested adding the Association of General Contractors and the Builders Exchange to the resource list.

Committee Member Shadyab stated the city of San Diego recently launched a program called Ask a CASp. Information is on the city's website. The city is currently working on updating its Information Bulletin on parking. The city of Los Angeles also has an Information Bulletin on parking that is a fantastic resource that could be used as a foundation for the toolkit. He stated the need to update these Information Bulletins as the code changes.

Committee Member Nnaji suggested that cities write to local business owners sharing that studies show that parking is a major exposure for lawsuits and suggesting that they examine the parking and path of travel to their businesses.

Executive Director Jemmott stated the need to determine the audience to address first. She stated an ADA Coordinator will require more technical information than a business owner. She suggested creating working groups to discuss the audience, the one-pager, and the "Ask a CASp" program information.

Public Comment

**California Commission on Disability Access
Checklist Committee
March 24, 2021, Teleconference Meeting Minutes**

Alejandra Warner, Office of ADA Compliance and Accessibility, city of San Diego, stated contractors should also be educated. The Office focuses on projects that are managed by the city and creates standard drawings. The speaker noted the drawing for parking is more technical but it provides good guidance and contractors seem to like it. The speaker suggested outreaching to contractors through ADA Coordinators because oftentimes they use old guidelines and guidelines from other states and are not aware of the current California code for parking spaces.

Executive Director Jemmott stated working groups can work on the contractor side, the "Ask a CASp" project, and a one-pager for ADA Coordinators and business owners. She stated staff will summarize the working group categories and reach out to Committee Members for potential participation in the working groups.

Action Items

- Staff is to summarize the working group categories and reach out to Committee Members for potential participation in the working groups

7. Continue Marketing and Distribution of the Open-Air Dining/Curbside Pickup Access Considerations – Update and Discussion

Executive Director Jemmott stated the Open-Air Dining and Curbside Pickup Disability Access Considerations document, which was included in the meeting packet, was distributed throughout California in accessible formats and in multiple languages.

Action Items

- No action items

8. Future Agenda Items

No future agenda items were offered.

9. Adjourn

There being no further business, the meeting was adjourned at approximately 3:00 p.m.