



ACCESS APPEALS COMMISSION MINUTES(DRAFT)

Regular Meeting Wednesday, April 27, 2022

1. CALL TO ORDER AND ROLL CALL

COMMISSION MEMBERS PRESENT:

Mr. Kevin Birmingham, President
Ms. Alyce Brown, Vice President
Mr. Arnie Lerner, Commissioner, FAIA, CASp
Mr. William Scott Ellsworth, Commissioner

CITY REPRESENTATIVES:

Thomas Fessler, Secretary
Peter Miljanich, Deputy City Attorney

2. FINDINGS TO ALLOW TELECONFERENCE MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 5495 (E) (DISCUSSION & POSIBLE ACTION)

The commission approved the ability of the Access Appeals Commission (AAC) to conduct meetings remotely according to the modified Brown Act set forth in AB361.

3. PUBLIC COMMENT: (DISCUSSION)

There was no public comment.

4. SWEARING IN OF COMMISSIONER BROWN (ACTION)

Commissioner Brown was sworn in by Sonya Harris, secretary to the Building Inspection Commission, to another term serving the Access Appeals Commission.

5. REVIEW AND APPROVAL OF MINUTES: (DISCUSSION AND POSSIBLE ACTION)

Minutes from the February 9, 2022 meeting were adopted with minor revisions.

6. REVIEW OF UPDATING ACCESS APPEALS COMMISSION RULES (DISCUSSION)

The secretary presented the proposed changes to the Access Appeals Commission by-laws. Unfortunately, the copy of the proposed by-laws with the strike out changes was not part of the shared word document. Commissioner Park requested the proposed changes to be resent to all of the commissioners. This item will be placed on future commission agenda.

7. REVIEW PROPOSED INFORMATION SHEET (DISCUSSION AND POSSIBLE ACTION)

Patrick Hannan, the Department of Building Inspection (DBI) Communications Director, presented a power point presentation for the evaluation criteria for granting unreasonable hardship requests as it relates to the Accessible Business Entrance (ABE) program.

DBI created an Unreasonable Hardship scoring rubric to help aid design professionals, department staff and the AAC which conditions warrant granting Unreasonable Hardship. The factors cited in the rubric includes net floor area serving the public, percentage of floor area lost creating an accessible entrance, ratio of cost providing accessible entrance to annual revenue, and the ability to provide the good or service without entering the building.

There was a discussion around the cost of annual revenue, would that be the tenant or property owner. The secretary responded that it depended on which entity was responsible for compliance with ABE program. Ultimately the property owner is responsible for any code compliance including the ABE program.

8. COMMISSIONERS AND STAFF QUESTIONS AND COMMENTS: (DISCUSSION)

Commissioner Ellsworth suggest the by-laws be amended to reflect remote meetings using Webex be added to meeting location.

Commissioner Lerner requested the commission be informed of the progress of using the rubric.

9. ADJOURNMENT: (ACTION)

The meeting was adjourned.

Thomas Fessler
Senior Building Inspector
Department of Building Inspection
Secretary to the Access Appeals Commission