



ACCESS APPEALS COMMISSION MINUTES

Regular Meeting Wednesday, September 27, 2023

1. CALL TO ORDER AND ROLL CALL

COMMISSION MEMBERS PRESENT:

Mr. Walter Park, President
Ms. Alyce Brown, Vice President
Mr. Arnie Lerner, Commissioner, FAIA, CASp
Mr. John Tostanoski, Commissioner

CITY REPRESENTATIVES:

Thomas Fessler, Secretary
Peter Miljanich, Deputy City Attorney
Ken Hu, Permit Tech II

2. PUBLIC COMMENT: (DISCUSSION)

There was no public comment.

3. SWEARING IN OF COMMISSIONER PARK (ACTION)

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

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

Minutes from the April 27, 2022 meeting were adopted as written by a majority of the commissioners.

5. RATIFICATION OF UNREASONABLE HARDSHIP REQUEST 1109 & 1111 GRANT AVENUE PERMIT APPLICATION # 202302061443 & # 202302061444 (DISCUSSION & POSSIBLE ACTION)

The commission secretary presented the case summary for the granting of the Unreasonable Hardship which was in response to permit applications for compliance with the Accessible Business Entrance (ABE) program. Cooley Architectural Corporation performed a site inspection, using the Category Compliance Checklist provided by the Department of Building Inspection (DBI). Numerous non-compliant elements of the entrance were identified including the lack of level landings at exterior and interior entrances.

After review of the proposed solutions, DBI determined the project sponsor had explored without success all design options for creating a level landing or installing a ramp at the entrance. Therefore, an Unreasonable Hardship was granted.

Robert Cooley licensed Architect in the State of California and CASp presented the conditions at the entrance at 11109 & 1111 Grant St as it relates to the ABE program and the reasoning behind the Unreasonable Hardship request.

Kevin Jenson is the ADA coordinator with Public Works responsible for review of ABE permits which effect accessibility in the public way. Mr. Jenson agreed the proposed ramp in the public way would not be approvable but there are other solutions to provide an accessible entrance such as warping the sidewalk. He went on to say that the ADA requires an ongoing legal responsibility to provide accessible improvements to their properties and expressed concern the public would get the impression they could no longer be sued under the ADA which would not be the case.

After a discussion regarding the plan presented, the commission voted unanimously to ratify the unreasonable hardship request with one condition. Provide doorbell with 30X48 inch clear space outside 36-inch egress route.

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

The commission secretary presented the proposed changes to the AAC rules. Commissioner Park questioned the removal of the swearing in requirement. Deputy City Attorney will research this requirement and this item will be carried forward to the next meeting.

7. DISCUSSION ON CREATING EQUIVALENT FACILITATION (DISCUSSION)

The secretary introduced various ways of providing goods or services thought providing equivalent facilitation such as propping the entry doors open during business hours. Commissioner Park requested the DBI create written examples of potential types of equivalent facilitation depending on the goods or services provided.

8. UPDATE ON THE ACCESSIBLE BUSINESS ENTRANCE PROGRAM (DISCUSSION)

Using the updated ABE compliance dashboard, the Secretary explained the current compliance status for each category. Commissioners questioned the compliance numbers of the various categories and asked when code enforcement will take place. There is legislation to extend the dates for compliance with the ABE program. The commissioners requested DBI work with other departments to increase compliance with the ABE program along with expanded public outreach.

9. ADJOURNMENT:

(ACTION)

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