



ACCESS APPEALS COMMISSION MINUTES(DRAFT)

Regular Meeting Wednesday, December 13, 2023

1. CALL TO ORDER AND ROLL CALL

COMMISSION MEMBERS PRESENT:

Mr. Walter Park, Commissioner
Mr. Birmingham, Commissioner
Mr. Tostanoski, Commissioner

CITY REPRESENTATIVES:

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

2. PUBLIC COMMENT: (DISCUSSION)

Both Commissioners Brown and Lerner expressed their disappointment that they could not actively attend the meeting remotely because both of them tested positive for Covid -19. Richard Skaff stated it was difficult to hear the meeting.

3. ELECTION OF OFFICERS (ACTION)

Commissioner Brown was elected President and Commissioner Tostanoski Vice-President of the Commission.

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

Minutes from the September 27, 2023 meeting were adopted as written.

5. RATIFICATION OF UNREASONABLE HARDSHIP REQUESTS AT 1835 & 1839 DIVISADERO STREET PERMIT APPLICATION # 202308255286 & #202308255286 FOR COMPLIANCE WITH THE ACCESSIBLE BUSINESS ENTRANCE (ABE) PROGRAM (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. The Department of Building Inspection (DBI) granted the Unreasonable Hardship for both entrances due to the effect that creating code compliant ramps within the tenant spaces would significantly limit the leasable space. Readily achievable accessible elements will be provided at each entrance including installation of power door operators.

Architect Marc Dimalanta with D-Scheme Studio, presented the case for ratification of the unreasonable hardship for the property owner of 1835 & 1839 Divisadero Street. They explained creating a ramp within each tenant space would take up too much space given the width of 13 feet and 15 feet respectively making the spaces undesirable to lease.

The use of the tenant's website as equivalent facilitation was discussed. If tenants refer customers to their website, they need to create an accessible website.

The Commission voted to ratify the Unreasonable Hardship under the conditions that power door operators be installed at each door, install lever hardware at each door, install stripping at steps, install doorbell at each door, install vertical grab bar between doors and update company website for accessibility.

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

Commissioner Park requested the requirement for swearing in of persons giving testimony stay in the Commission's by-laws. Deputy District Attorney Peter Milijanich will investigate if the commission secretary or the commission members be able to swear-in witnesses. There is no legal requirement for swearing in but it could be a practice for this commission.

There was agreement that commissioners could have an option for paper or electronic submittal in the future but leave 7 paper copy requirement for now.

The commission approved changes to the by-laws with the exceptions that have been mentioned.

7. DISCUSSION ON CREATING EQUIVALENT FACILITATION (DISCUSSION)

- Commission Park presented a list of items the thought would improve the ABE program going forward
- Audit the quality of CASp reports
- Provide training to CASp and design professionals on performing site inspections
- Finding places in ABE compliance where road blocks exist and streamlining the process
- What are the number of cases in Public Works back log?
- What does an average ABE case cost?

During public comment, William Railing stated that Equivalent Facilitation is defined in the code and proposed alternative methods need to provide substantially equivalent or greater accessibility.

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

The Secretary stated the 2024 Access Appeals Commission meeting schedule has been posted on the DBI website and confirmed with City Hall management. The schedule same as this year, second and fourth Wednesday of the month in this room #416 at 1:00 PM.

9. ADJOURNMENT:

(ACTION)

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

