



**ACCESS APPEALS COMMISSION**

**MINUTES** *approved 2/24/2016*

**Regular Meeting Wednesday, September 9, 2015**

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**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order by President Arnie Lerner at 1:10 P.M.

**COMMISSION MEMBERS PRESENT:**

Mr. Arnie Lerner, President  
Mr. William Ellsworth, Vice-President  
Ms. Alyce G. Brown  
Mr. Walter Park

**CITY REPRESENTATIVES:**

Mr. Rick Halloran, Secretary  
Ms. Elaine Warren, Deputy City Attorney

**2. PUBLIC COMMENT:**

**(DISCUSSION)**

There was none.

**3. REVIEW AND APPROVAL OF MINUTES:**

**(ACTION)**

The minutes for the June 10 and August 26, 2015 meeting were approved unanimously.

Secretary Halloran expressed appreciation to Commissioner Brown for helping Recording Secretary Lee on the minutes.

**4. TRAINING OF THE HISTORICAL BUILDING CODES BY ARNIE LERNER:**

**(DISCUSSION)**

President Lerner presented on the California Historical Building Code and its application and alternative accessibility provisions.

**5.1 REVIEW OF COMMUNICATION ITEMS:**

**(DISCUSSION)**

Commissioner Park provided updates on the task force regarding the Tang Legislation. Creating an outreach program, obtaining marketing expertise, and Ordinance implementation time frame were discussed.

Commissioner Park said there is currently no database that indicates public accommodations. According to DBI staff, ACCELA database will not be ready. The Soft Story Program uses spreadsheet and clerks to track the 5,000 subject buildings. He expressed that this method will not work for 20,000 public accommodations. The database needed for the Tang Legislation will do the following:

- Sort out the 20,000 public accommodations out of 151,397 business licenses
- Create a notification database
- Assist owners by pre-screening
- Track filed forms, fees, and documents
- Perform follow ups and spot checks
- Track compliance deadlines
- Generate reports

Commissioner Park asked the City Attorney Boyajian, "What is a public document?" Ms. Boyajian said that all documents submitted to DBI and AAC will be public, with few exceptions like trademarks or privacy of complainer's name. In order to prevent litigation, proposed outline for remediation will be required with the compliance form.

Commissioner Park asked whether buildings under Title II jurisdiction are covered under the Ordinance. Ms. Boyajian said that the Ordinance is not intended to address public buildings. City Attorney Warren clarified that state and school district owned buildings are not subject to our jurisdiction. Buildings on city property are considered city buildings, even if leased. Commissioner Park asked whether the Ordinance should clarify this issue. Ms. Boyajian said the Ordinance addressed it by stating "any building with place of public accommodation subject to the requirements of Ch 11B is within the scope."

Commissioner Park asked how the city may indirectly recommend professional resources. Ms. Boyajian said qualified professionals are approved by the Building Official and this resource list may be created over time. Secretary Halloran said Office of Small Business and State Architect's website have lists of CASp inspectors, which may be referenced.

Commissioner Park asked about other options for rolling out the Ordinance. Secretary Halloran said other options by districts or types were too political or difficult to sort. The Ordinance is written to start with the compliant group and gives one year to prepare for the next category.

Commissioner Brown and the City Attorneys discussed owner's responsibility, tenant's leases, lawsuits, and eviction issues. Ms. Warren clarified that the Ordinance does not intervene with owner/tenant's lease. The city can only control the building code, which requires owner to have entrance come into compliance under certain dates.

President Lerner asked for clarification on path of travel and sidewalk encroachment. Ms. Boyajian said it is defined in "Accessible Route" of the Ordinance. Secretary Halloran said DBI has jurisdiction within the property line and DPW has jurisdiction of the sidewalk.

President Lerner asked about the resources needed for implementation of the Ordinance. Secretary Halloran said DBI Director has not been spoken to directly regarding resources,

but expressed his support to the Supervisor. Commissioner Park suggested for the task force to propose a budget and for the AAC to endorse it.

Vice-President Ellsworth asked how often the AAC will be involved. Secretary Halloran predicted there could be about 500 hearings over a period of 3-5 years for ratifications or solutions. AAC will be involved in developing standard guidance document for equivalent facilitation.

Commissioner Brown asked about the procedure for the non-compliance. Ms. Boyajian said the non-compliant will be subject to the building code process for Notices of Violation.

Commissioner Brown asked for clarification of the extensions of time up to 6 years. Ms. Boyajian said 6 years is the limit of the program and extensions are granted by the Building Official and AAC, if deemed reasonable.

**5.2 REVIEW OF COMMUNICATION ITEMS:**

**(DISCUSSION)**

Discussion of Prop E, possible impact on AAC and change to bylaws has been tabled to a further date.

**6. COMMISSIONERS AND STAFF QUESTIONS AND COMMENTS:**

**(DISCUSSION)**

President Lerner asked Secretary Halloran to provide an update on Commissioner Vernali's absence. Secretary Halloran reported that Commissioner Vernali has some health issues and will attempt to contact him again for more updates.

**7. ADJOURNMENT:**

**(ACTION)**

The meeting was adjourned at 2:40 P.M.

Thank you,



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Rick Halloran  
Senior Building Inspector  
Department of Building Inspection  
Secretary to the Access Appeals Commission