



ACCESS APPEALS COMMISSION
(Draft) MINUTES
Regular Meeting Wednesday, June 25, 2014

1. CALL TO ORDER AND ROLL CALL AND SWEARING-IN OF NEW OFFICERS

The meeting was called to order by President Walter Park at 1 P.M.

COMMISSION MEMBERS PRESENT:

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

CITY REPRESENTATIVES:

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

Swearing-in of President Park and Commissioner Vernali was conducted by Sonya Harris, Secretary of Building Inspection Commission.

2. REVIEW AND APPROVAL OF MINUTES:

President Park moved that approval of the minutes be moved to the next regular meeting in order to have adequate time to review them.

3. INFORMATIONAL PRESENTATION:

(DISCUSSION)

Dyanna Quizon, Supervisor Tang's Legislative Aide, presented proposed Ordinance for a city wide evaluation of store front entrances for access compliance. The Ordinance applies to all buildings in the city with public accommodations, with exception to buildings constructed within the last 5 years. Process and timeframe for compliance will be modeled after the Soft Story program and to categorize neighborhoods by commercial district, mix-use districts, and buildings zoned residential and commercial. Ordinance proposed to perform evaluation of small businesses, instead of full CASp inspections. Planning Department is developing a checklist to assist and educate property owners on requirements and directions /resolutions if they are not able to comply. Program will have collaboration of relevant departments for a one stop shop.

Discussion of accessible front entrances requirement being priority. President Park suggest to increasing city staff and resource to provide assistant, and to look into offering city loan money to

lessen owner's burden.

Tim Frye and Anne Brask, Planning are developing Pre-screening Checklist for owners to receive initial feedback for proposed project. It is ideal to have CASp report to inform what issues are, but is not necessary. Checklist is intended to be used on any type of buildings (not just historical) and any Planners can advise.

Carla Johnson, MOD, expressed support of Legislation and she and President Park discussed the need for CASp inspections.

Christian Murdock, Office of Small Business, supports education, enforcement, coordination with local government and agency. Main issue is to achieve access for people with disability; it's the law and right thing to do. Secondary is preventing lawsuit.

President Park asked a number of questions about the OSB and suggested publishing the OSB's memo on small businesses issues.

Judy Boyajian, City Attorney, expressed the principal goal of legislation is to solve access issues for business being sued and for building owners to be responsible for correction.

President Park, Commissioner Brown and Lerner offered comments on the responsibilities of owners and how the Ordinance could be enforced. President Park states the role for the Commission can be to provide guidance and determine what equivalent facilitation is. Ms. Boyajian says filing permit will be required, but legislation can grant additional power to AAC.

Kelly Wong, Planning Preservation, speaks about possible problems and solutions dealing with historical buildings.

The Secretary notes that DPW was not in attendance today, but had express willingness to collaborate.

4. DISCUSSION REGARDING PORTABLE RAMPS AND REASONABLE ACCOMODATIONS BY DBI (AND POSSIBLY OTHER DEPARTMENTS): (DISCUSSION AND POSSIBLE ACTION)

Krissy Mummert, Urban Field Group, discussed LePort School at 50 Fell St. project as an example of how there is a lack of procedure for the use of portable ramps as reasonable accommodation due to the different departments' jurisdictions. At times, the best way to provide access may be to use a portable ramp. In what circumstances, can portable ramp be considered? What hurdles to go through to consider it?

Discussions held on the need for and problem encountered in proposed ramps and portable ramps.

Kevin Jensen, DPW said temporary is defined as 90 days and still needs to meet accessibility. He stated DPW cares about sidewalk encroachment. DPW has not approved any portable ramps. Issues to consider: minimum sidewalk pathway, detectable barrier, possible hand railings, and timeframe. Commission Brown states perhaps the most lenient code to go by, for more room to

manipulate. DPW will write procedure and policy. Enforcement is in DPW to approve. Discussion about equivalent facilitation and being aware of the liability were held.

DBI's inquiries for use of portable ramps cases are not tracked because building code does not cover it, unless it's attached to building.

Secretary suggested to form task force within interdepartmental and technical, DPW-BSM, DBI, Planning. It will be advantageous to have someone in from Commission and CAC, including Lerner to provide guidance.

President Park proposed motion: Given that DBI currently receives up to 50 inquiries per year concerning the possible portable ramps, the AAC instructs its secretary to address a letter to DPW-BSM, DAC, Planning Department, DBI director and MOD to convene working group that will study, discuss and report on reasonable accommodations to allow small businesses the possibilities of making front entrances accessible using portable ramps in lieu of a permanent ramp.

Motion and seconded. Unanimously approved.

Note: The Secretary is awaiting possible adoption of the above referenced Tang Ordinance as it addresses this issue and would render this letter moot.

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

Commissioner Brown commented that Ms. Mummert's problem was not resolved. Ms. Mummert's project was meant to serve as an example for the lack of interdepartmental procedure on portable ramps.

6. PUBLIC COMMENT: (DISCUSSION)

There was none.

7. ADJOURNMENT: (ACTION)

The meeting was 3:00PM

Thank you,



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