



**ACCESS APPEALS COMMISSION
MINUTES
Regular Meeting Wednesday, October 24, 2012**

1. CALL TO ORDER AND ROLL CALL

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

COMMISSION MEMBERS PRESENT:

Mr. Ronald Vernali President
Ms. Alyce G. Brown Vice President
Mr. William Ellsworth
Mr. Arnie Lerner

CITY REPRESENTATIVES:

Mr. Tom Fessler, Secretary
Ms. Elaine Warren, Deputy City Attorney

2. REVIEW AND APPROVAL OF MINUTES:

The minutes for the July 25, 2012 and September 19, 2012 meeting were approved unanimously, with a change requested by Commissioner Brown.

3. REVIEW OF COMMUNICATIONS ITEMS:

Secretary Fessler dated the status of proposed changes to Administrative Bulletin 090, stating there has not been any development to report. The commission discussed the possibility of having joint meetings with the Disabled Access Subcommittee in the future. It was determined potential changes to AB 090 would be developed by the Disabled Access Subcommittee. Future joint meetings maybe required and the secretary would keep the commission informed as to any developments regarding this matter by placing it on future meeting agendas.

4. CONSENT CALENDER

APPEAL #12-04

450 BUSH STREET

This appeal is for the renewal of the previous Access Appeals Decision # 06-02. Decision #06-02 granted and Unreasonable Hardship Request, based on physical and legal constraints, with equivalent facilitation being provided with the use of unisex restrooms on floors 7-26 in lieu of separate sex accessible restrooms on each floor. The appeal was removed from the consent calendar by Commissioner Lerner. Persons representing 450 Bush Street agreed to present the appeal at this meeting.

Architect Sarah Louie representing 450 Bush Street, requested the commission grant the appeal to continue the previous decision. She stated the buildings ownership had complied with the previous decision providing one unisex restroom on each floor and multiple accommodation men's or women's restrooms on alternating floors.

Commissioner Lerner questioned the location of the unisex restrooms and the difference between this appeal and the previous one. Ms. Louie explained a unisex restroom has been provided on floors 7-26 within existing restroom locations with men's and women's rooms on alternating floors. The only difference between the appeals is created by a change in the code prohibiting doors swing into the clear space for any fixture; in this case the lavatory did not exist at the time of the previous decision.

Commissioner Brown wanted the appellant to clarify the specific changes proposed under this new appeal. Ms. Louie stated all the site conditions remain the same and associated construction required by the previous appeal has already been completed. The current appeal does not have any new construction associated with it. Commissioner Brown agreed that there was no difference between the past and present appeals, with exception of the door swing.

Commissioner Ellsworth questioned Secretary Fessler if he had observed any potential accessibility improvements during his site visit. Secretary Fessler stated that the present code requires a low level push pad be provided at doors with power operators, not just the upper one presently provided.

Commissioner Lerner motioned to approve the continuation of previous decision and adding to it the hardship request to allow the door to swing into the clear space of the fixture (lavatory). The motion passed.

President Vernali - Yes

Vice President Brown - Yes

Commissioner Ellsworth - Yes

Commissioner Park - Absent

Commissioner Lerner - Yes

5. DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS:

After being reminded by Commissioner Brown, Secretary Fessler informed the commissioners that elections for President and Vice President will take place at the next commission meeting.

6. COMMISSIONER'S AND STAFF'S QUESTIONS AND COMMENTS:

There was none.

7. PUBLIC COMMENT:

There was no public comment.

8. ADJOURNMENT:



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