



ACCESS APPEALS COMMISSION MINUTES

Regular Meeting Wednesday, February 9, 2022

1. CALL TO ORDER AND ROLL CALL

COMMISSION MEMBERS PRESENT:

Mr. Kevin Birmingham, President
Ms. Alyce Brown, Vice President
Mr. Arnie Lerner, Commissioner, FAIA, CASp
Mr. William Scott Ellsworth, Commissioner
Mr. Walter Park, Commissioner

CITY REPRESENTATIVES:

Thomas Fessler, Secretary
Austin Yang, Deputy City Attorney

2. FINDINGS TO ALLOW TELECONFERENCE MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 5495 (E) (DISCUSSION & POSSIBLE ACTION)

The commission approved the ability of the Access Appeals Commission (AAC) to conduct meetings remotely according to the modified Brown Act set forth in AB361.

3. PUBLIC COMMENT: (DISCUSSION)

There was no public comment.

4. TERMS OF EXISTING ACCESS APPEALS COMMISSIONERS TERMS (DISCUSSION)

The secretary reported that Building Inspection Commission Nomination Subcommittee will meet on February 17th 2022 to review applications for serving on the Access Appeals Commission.

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

Minutes from the October 27, 2021 meeting were adopted as written.

6. DISCUSSION OF ORDINANCE #51-16 ACCESSIBLE BUSINESS ENTRANCE PROGRAM (DISCUSSION)

Discussion regarding federal guidelines provided to commissioners of what would be considered readily achievable for small business when addressing requirements under the Americans with Disabilities Act.

The secretary shared a proposed matrix tool to help determine when an unreasonable hardship can be granted under the Accessible Business Entrance program. The matrix is designed to provide measureable guidance to project sponsors, Building Department staff and the Access Appeals Commission.

Discussion regarding compliance category report listing the different levels of compliance with the program with approximately 50% of entrances either fully compliant or at some stage of compliance. It was noted that the numbers have not changed significantly in a long time.

There was discussion around the compliance unit and what was that comprised of. The secretary explained it comprised of the members of various departments which have plan review approval for ABE permits such as DBI, Public Works and Planning. The secretary described the new public outreach and updates to the department website regarding the ABE program with anticipated increased response.

During public comment, Anne Cervantes architect and business leader in the Latino Community pointed out many of the small businesses have not recovered from the Covid-19 recession and may not have the ability to afford to comply with ABE program. Provide cost estimates for accessible upgrades and property owners ability to pay for them need to be part of Unreasonable Hardship considerations.

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

The secretary presented the proposed changes to the Access Appeals Commission by laws. Commissioner Park requested the proposed changes to be resent to all of the commissioners. This item will be placed on future commission agenda.

8. COMMISSIONERS AND STAFF QUESTIONS AND COMMENTS (DISCUSSION)

The secretary reminded commissioners of the requirement of the 700 Form and associated training. Commissioner Brown requested that future meetings have closed captioning.

9. ADJOURNMENT: (ACTION)

The meeting was adjourned.

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