



ACCESS APPEALS COMMISSION MINUTES

Regular Meeting Wednesday, July 25, 2018

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by President Walter Park at 1:18 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Walter Park, President
Mr. Arnie Lerner, Vice President
Ms. Alyce Brown Commissioner

CITY REPRESENTATIVES:

Thomas Fessler, Secretary
Austin Yang, Deputy City Attorney

2. PUBLIC COMMENT:

(DISCUSSION)

There were no public comments.

3. REVIEW AND APPROVAL OF MINUTES:

(ACTION)

The minutes of the regular meeting held on November 15, 2017 were accept as presented.

3. REVIEW OF COMMUNICATION ITEMS:

(DISCUSSION)

The secretary communicated that the Nominating Committee of the Building Inspection Commission has recommended Kevin Birmingham to the public seat on the Access Appeals Commission.

An update to public outreach for the Accessible Business Entrance program was presented by the secretary and Regina Dick-Edrizzi from Office of Small Business.

The secretary provided the ABE report snapshot of 07/23/2018 with the numbers of pre-screening form and category checklist compliance form submitted to the Building Department. President Park requested that the report be put in the record of the meeting and emailed to the commissioners.

4. REQUEST FOR RATIFICATION OF AN UNREASONABLE HARDSHIP AAC #18-01 (DISCUSSION & POSSIBLE ACTION)

Architect Racheal Malchow presented the request for ratification of an Unreasonable Hardship Request, granted by the Building Department due to cost, for permit application #201807033653. The building is a two story wood frame structure built in 1906 with a commercial tenant on the first floor and single residential unit above. The first floor tenant is local business called Nouvelle Tailor & Laundry service. The business has only one location, with one employee. 90% of the business is dry cleaning, primarily being drop off and pick up service, with the remainder being alterations and tailoring. Using two construction cost estimates, the applicant asserted that the cost of providing a compliant entry would be approximately \$32,000.

Ms. Malchow pointed out all the work performed in response to the Accessible Entrance Program is barrier removal, with no associated renovation cost associated requiring other accessible improvements. All readily achievable improvements, such as replacing door hardware, will be provided. The applicant proposes providing a service bell and signage be provided for curb side service for laundry drop off and pick up. They also proposed using the next door tenant space, which has an accessible entry, for appointment only tailoring. Each proposal would provide the goods and services in an alternative method.

Building owner Oliver DiCicco spoke to the high cost of providing a fully compliant entry and that the building was his main source of income. He stated that if he were required to provide a ramp, he would need to raise the rent or possibly create a vacant space.

Commissioner Park questioned whether an exterior ramp could be placed on the side walk and a power door operator provided for lack of door clearance. Ms. Malchow responded the cost to provide the exterior ramp would be less than removing the step, it would still be unreasonable to provide a ramp to a space for dropping of and picking up laundry.

Commissioner Lerner stated he found the cost estimates to be reasonable. The exterior ramp would work with such a wide sidewalk be he believes the cost would be too great. He went on to suggest providing handrails at the step for persons with mobility impairments.

Commissioner Park proposed a motion it is the commissions intention ratify the unreasonable hardship with three modifications' 1) braille to be added to the buzzer sign 2) a letter from the next door tenant stating the appellant may use their tenant space for tailoring 3) installation of grab bars at the step.

The motion passed unanimously 3-0.

5. DISCUSSION OF ORDINANCE #51-16 ACCESSIBLE BUSINESS ENTRANCE: (DISCUSSION)

Commissioner Brown questioned how the public would be aware a business has complied with the ordinance. Discussion ensued regrading some type of notice from the city could be placed at the business similar to the CASp program. The secretary agreed to look into it and place it on the Accessible Business Entrance inter agency coordination meeting.

The secretary noted that the amended ordinance refers to the relevant factors listed in what is an under hardship or is readily achievable under title III of the Americans with Disabilities Act. He requested the commissioner visit the website because of all of the examples of how business can meet their obligations under the ADA and how that might be useful in adjudicating appeals.

The discussion turned to how to base decisions based on cost and what type of documentation would the commission require appellants to produce. Commissioner Lerner reminded the commission that it is up to the appellant to convince the commissioners of an unreasonable hardship based on cost.

6. PUBLIC COMMENT (DISCUSSION)

Regina Dick- Endrizzi expressed concerns that most of the appellants will be tenants and the property owners may have significant value in their property. She also pointed out the persons complying with the ordinance may be out of compliance with the ADA and still be sued. There was a discussion regarding second floor commercial tenants in neiborhood commercial districts. She also described the different programs and resources provided by the Office of Small Business.

7. ADJOURNMENT: (ACTION)

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

Thank you,

Minutes
July 25, 2018



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