



ACCESS APPEALS COMMISSION MINUTES

Regular Meeting Wednesday, June 12, 2019

1. CALL TO ORDER AND ROLL CALL

COMMISSION MEMBERS PRESENT:

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

CITY REPRESENTATIVES:

Thomas Fessler, Secretary
Robb Kapla, Deputy City Attorney

2. PUBLIC COMMENT: (DISCUSSION)

There were no public comments.

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

Minutes from the March 13, 2019 meeting were adopted as written.

4. REVIEW OF COMMUNICATION ITEMS: (DISCUSSION)

The secretary provided the latest snap shot of the number and type of Category Checklist Compliance forms submitted to the Building Department.

The secretary updated the commission on the Building Departments outreach efforts regarding the Accessible Business Entrance (ABE) program. Stating a presentation by all relevant Department's involved with the ABE program took place at yesterday's earthquake fair. A future post card will be mailed to property owners reminding them of the submittal deadline, for Category Checklist Compliance form, of December 1, 2019 for Category 4 entrances.

The commission requested the Building Department create a list of entries that are fully compliant with the Accessible Business Entrance program.

5. REQUEST FOR RAIFICATION OF AN UNREASONABLE HARDSHIP 610 20TH STREET AAC-19-02 (DISCUSSION & POSSIBLE ACTION)

The secretary presented the summary of the proposed ratification of the unreasonable hardship granted by the Building Department under permit number 201903074694. The hardship was granted based on the cost valuation for providing vertical access to an existing mezzanine would be greater than 20% of the cost of construction. The same daycare services will be provided at the floor level below the mezzanine.

Tom Harry, project architect for Shining Star Montessori Daycare located at 610 20th Street, presented the request for a ratification of an unreasonable hardship for the lack of vertical access to an existing mezzanine. He described the existing space was an E (educational) occupancy with the mezzanine previously used as storage. In order to create a viable business plan, the mezzanine needs to be converted to classroom allowing for 10 more students. The cost valuation of \$150,000 to renovate the tenant space is below the valuation threshold of \$166,157 requiring full compliance with Chapter 11B. All accessible elements within the mezzanine, including a renovated children's restroom, will meet the requirements found in Chapter 11B with the exception of vertical access. The estimated cost of providing a chair lift is \$36,000, which is greater than 20% of the cost of the renovation. The same services and programs will be provided on both mezzanine and main floor.

The commissioners were concerned about creating new classroom space without creating an accessible path for students and teachers. They understood the cost valuation for the renovation permits was below the threshold amount but it was close. The commissioners questioned the cost of providing a platform lift with the monthly cost of \$2,000.00 per student tuition. With input from the school owner, it was determined the cost of the lift could be raised within two years of full enrollment.

The commission voted to ratify the Unreasonable Hardship request with the condition that within two years of 90% enrollment vertical access to the mezzanine would be provided.

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

Kevin Jensen from Public Works presented the standards developed for compliance with the Accessible Business Entrance (ABE) as it relates to work in the public way. He provided the commissioners with handouts, which Public Works uses to inform the public of their standards. A discussion ensued around the type and quantity of sidewalk alteration permits under review. Although the number of applications remains low, the requests are across all

category types. He believes the number and quality of proposed sidewalk alteration permit submittals will increase in the near future.

The commission requested the secretary to draft a letter from the commission to the Public Works director requesting minor sidewalk encroachment fees be waived for power door operators projecting over the public way and provide means to tracking of staff time devoted to Accessible Business Entrance compliance.

7. ADJOURNMENT: (ACTION)

The meeting was adjourned at 2:20 P.M.

Thank you,



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

