



## **ACCESS APPEALS COMMISSION MINUTES(DRAFT)**

**Regular Meeting Wednesday, October 23, 2024**

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### **1. CALL TO ORDER AND ROLL CALL**

#### **COMMISSION MEMBERS PRESENT:**

Ms. Alyce Brown, President  
Mr. John Tostanoski, Vice President  
Mr. Walter Park, Commissioner  
Mr. Arnie Lerner, Commissioner  
Mr. Kevin Birmingham, Commissioner

#### **CITY REPRESENTATIVES:**

Thomas Fessler, Secretary  
Christine Gasparac, Assistant Director  
Peter Miljanich, Deputy City Attorney  
Ken Hu, Permit Tech III  
Patrick Hannan, Communication Director

### **2. DEMONSTRATION OF CLOSED CAPTIONING**

By using Ken Hu's computer to create the closed captioning in Webex platform all of the microforms list Ken as the speaker not the individual commissioners or other speakers. Appellants wanting to share documents will need to provide them electronically prior to the meeting so they can be shared through Ken's computer.

After a demonstration of the captioning options, the font size and light background with dark font was chosen by the commissioners. The Secretary described how to turn individual microforms on and off on their screen.

### **3. PUBLIC COMMENT: (DISCUSSION)**

### **4. REVIEW AND APPROVAL OF MINUTES: (DISCUSSION AND POSSIBLE ACTION)**

Minutes from the September 11, 2024 regular meeting were adopted as written.

## **5. UPDATE OF THE STATUS OF THE ACCESSIBLE BUSINESS ENTRANCE PROGRAM (DISCUSSION)**

Patrick Hannan the Department of Building Inspection (DBI) Communication Director presented a power point presentation of the status of the Accessible Business Entrance (ABE) program. This presentation is the same as the one presented at the last Access Appeals Commission (AAC) meeting with two new pages at the end.

New ABE legislation has been introduced by Supervisor Mandelman which removes the enforcement provisions of the ABE program and focuses on the all requirements related to accessibility not just the entrance. It also commits to enhanced accessibility training of inspectors, hiring a dedicated Certified Access Specialist (CASP) Inspector to provide staff guidance and expertise, develop educational materials for permit applicants on accessibility requirements and enhancements to DBI's website to provide more information and guidance regarding accessibility complaints.

Mr. Hannan explained that if this ordinance is adopted the enforcement provisions would be removed and permits in issued or filed status could be cancelled or withdrawn. DBI would encourage applicants to complete the process of making their entrances more accessible. He went on to remind the commission that property owners and tenants would still be subject to the Americans with Disabilities Act (ADA). When work requiring building permits would trigger accessible upgrades as defined in the California Building Code.

The commission questioned why they were not part of the development of the ordinance considering the AAC is directly mentioned in the ABE as part of the compliance unit. Mr. Hannan responded that DBI has been working with Supervisor Mandelman's Office, Mayor's Office on Disability (MOD), City Administers Office, and the Office of Small Business (OSB) and members of the disabled community on reform of the ABE program shifting the focus away from solely the entrance to all accessible elements within a place of public accommodation.

Commissioners questioned the lack of code enforcement and director's hearing regarding the ABE program. Staff explained because ABE program compliance deadlines have been extended no one has been out of compliance so DBI cannot begin code enforcement. To enforce on all of the potential non-compliant entrances would create an extreme burden on DBI resources. The commission stated that compliance with the ABE program would have been greater with some sort of enforcement. City leaders decided to extent compliance deadlines in order to increase compliance with the program.

There was a motion to continue this item too the next AAC meeting the motion passed unanimously.

## **6. CREATION OF A SUBCOMMITTEE FOR COMPLIANCE WITH THE ABE PROGRAM (DISCUSSION AND POSSIBLE ACTION)**

After a discussion about creating a subcommittee the commission voted unanimously to create a subcommittee with Commissioner Park and Commissioner Brown as members.

## **7. REVIEW OF UPDATING ACCESS APPEALS COMMISSION RULES (DISCUSSION & POSSIBLE ACTION)**

After review of the proposed changes to the AAC by-laws the Commission voted to approve the changes reducing the regular scheduled meeting to one on the fourth Wednesday of the month, swearing in wittiness when testifying on a case under appeal,

and revisions of a non-substantive grammatical change and a strikeout replacement language. The Deputy City Attorney Peter Miljanich will produce the final language of the by-law changes for the next AAC meeting.

**8. COMMISSIONER AND STAFF QUESTIONS AND COMMENTS: (DISCUSSION)**

The secretary mentioned Measure D came into effect restricting City Government staff from accepting any gifts from the public to city employees and other ethics reform. The secretary will forward an email from the ethics commission regarding Measure D.

Commissioners questioned the Deputy City Attorney regarding volunteering for people and how much money could be donated to a political campaign. They would not give advice during a public meeting. Commissioners could contact them or the ethics commission with their questions directly.

**9. ADJOURNMENT: (ACTION)**

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

