July 27, 2016

Mr. Jay Handal, Chair

West Los Angeles-Sawtelle Neighborhood Council

1645 Corinth Avenue, Suite 201

Los Angeles, CA 90025

**Subject:** **ADA ACCESSIBILITY TO THE 1ST FLOOR COURT ROOM FOR THE WEST LOS ANGELES-SAWTELLE NEIGHBORHOOD COUNCIL AND/OR COMMITTEE MEETINGS AT 1645 CORINTH AVENUE, LOS ANGELES, CA 90025**

Dear Mr. Handal and Board Members,

At the June 22nd meeting, I presented to the West Los Angeles-Sawtelle Neighborhood Council (WLASNC) an overview of the City’s responsibility under Title II of the Americans with Disabilities Act (ADA), specifically our obligations to provide access to City meetings and events, the provision of effective communication, auxiliary aids and services and policy modifications upon requests from stakeholders and constituents with disabilities.

As I mentioned, the City has an affirmative obligation to assure that persons with disabilities are not discriminated against due to their disability while participating in programs, services or activities provided by the City of Los Angeles. This includes both physical and programmatic access.

The City does not require constituents with disabilities to provide any medical documentation or “proof” that they have a disability. They just simply need to make that request known to the individual designated as the ADA Coordinator or contact person for any specific meeting or program. Concerns or inquiries from members of the public should result in the Neighborhood Council responding that “*they are complying with Federal law and that information is not able to be disclosed”*.

The Department on Disability (DOD) is the City Department responsible for assuring that City Departments and City employees are complying with the ADA and/or other Federal and State Disability Laws. We provide technical assistance and provide guidance and recommendations to Departments and Elected Officials on what should be done with respect to accommodating requests from persons with disabilities.

In my initial letter to Mr. Handal on November 2, 2015, I recommended that the WLASNC move their meeting location to a different meeting room. According to the person requesting the accommodation, and confirmed by Mr. Len Nguyen with CD 11, the WLASNC meets in a City building and there is a larger meeting room on the 2nd floor. The person requesting the accommodation believed that the upstairs room, which also has a sliding door to a patio area for better fresh air circulation, would reduce many of the effects the individual was experiencing. In a phone conversation I had with Mr. Handal, there was no valid reason provided as to why the meeting room could not be moved. Mr. Handal stated to me that the WLASNC liked the cozy feeling of the 1st floor and that the Board would not “fit” on the 2nd floor for all Board members to sit up front due to the platform/riser at the front of the room.

Mr. Handal never responded to the November 2nd letter which stated, “It is DOD’s recommendation that the WLASNC cease to utilize the 1st floor meeting room. If there is a reason you are unable to move the meeting room, I will need you to provide specific reason(s) as to why the meeting cannot be moved in writing or email to my attention at DOD.”

Due to Mr. Handal’s and Mr. Donovan’s refusal to move to another room or provide a reason in writing as to why they would not move the meeting room, as evidenced in a series of emails, I set up a site visit to do an ADA assessment of the facility and meeting room with the DONE ADA Coordinator and Mr. Handal (Mr. Donovan, a DOD ADA Coordinator and the person requesting the accommodation also attended) to discuss the ability to provide the accommodation. Mr. Handal and Mr. Donovan approached and asked me privately whether or not they had to provide the specific accommodation requested or whether they could propose an alternate. Under the ADA, it is acceptable to provide an alternate accommodation, different from the original request, as long as it is effective for the individual. It was at this time that the issue of an air filter emerged. Mr. Handal and Mr. Donovan stated they feel that an air filter would provide a solution for the request.

The requestor agreed to “try-out” the air filter on a temporary basis to see if it would be effective. If the filter was not effective, then the meeting location would have to be moved to a different location. In the meantime, the Department of Neighborhood Empowerment (DONE) would submit a cost estimate request to the General Services Department to remove the raised platform on the 2nd floor. Unfortunately, it became clear that the air filter was not going to work as a remedy as DOD was receiving emails about the loudness of the filter.

The DOD and DONE made the arrangements to have the platform removed from the 2nd floor which now allows for tables to be placed at the front of the room. While the WLASNC Board contends that not everyone can fit on the 2nd floor, it was also clear that they also cannot fit comfortably in the 1st floor meeting room.

DOD does not dispute that the Corinth building is generally accessible to persons with physical disabilities. However, there were several areas that DOD needed to have addressed, including assuring that there were accessible parking spaces and safe paths of travel to the building. In addition to the physical access of the building, there are also requirements for programmatic access, which includes how to set up an accessible meeting room. Basically, once an accessible venue is selected, it is critical that the meeting room furniture also be arranged to allow everyone to fully participate. An accessible floor plan (meeting space) is one in which people who use mobility devices (e.g., wheelchairs, scooters, walkers, crutches, canes) can maneuver throughout and use independently; people who are blind or have low vision can navigate easily and safely; and people who are deaf or hard of hearing can use assistive listening device systems and see speakers, interpreters, and captioning services.

Several items would need to be addressed and remedied in order for the 1st floor court room to be a viable public meeting room. In addition, when alterations or improvements are done, it triggers the need to bring the room or location into compliance with Federal and State Disability Laws and Building Codes. As such, the following issues would need to be addressed:

* Demolition of all partial walls and stage
* Removal of the fixed seating to allow for aisles that are at least 36” wide and have sufficient turning space (60” diameter circle [or a T-shaped space, existing facility] for a person using a wheelchair to reverse direction) in key locations throughout the room.
  + Spaces for wheelchair seating distributed throughout seating area
  + A single wheelchair space must be at least 36 inches wide. If there are two adjacent wheelchair spaces, each must be at least 33 inches wide.
    - Wheelchair spaces that can be entered from the front or rear must be at least 48 inches deep.
    - Wheelchair spaces that can be entered from the side must be at least 60 inches deep.
  + Wheelchair spaces can adjoin, but not overlap, accessible routes.
* There must be at least one companion seat for each wheelchair space.
  + Companion seating should be located so the companion is shoulder-to-shoulder with the person in the wheelchair.
* Any tables placed for sitting, registration, reception, handouts, etc. should be easy for a person with a physical disability to approach, turn around easily and move away from.
  + Tops of tables/counters between 28 and 34 inches high
  + Knee spaces at accessible tables at least 27” high, 30” wide, and 19” deep
* Carpet or tile replacement on a regular basis
* A/C vents/ducts need to be checked and cleaned.
* A clear, minimum, 36” path of travel between and among all aisles and public spaces, including non-fixed furniture, trash cans, etc. must be maintained at all times from all entrances to the meeting room, restrooms, office, seating areas (both for Board members and the public).
* All routes must be free of overhanging objects that are less than 80 inches above the ground. There must also be no objects that protrude more than 4 inches into the route when the bottom edges of the objects are between 27 inches and 80 inches above the ground.

DOD will continue to work with the Board and DONE to obtain cost quotes for bringing the first floor meeting room that is accessible to and useable by persons with disabilities. As I mentioned during the meeting, the City budget sets aside funding annually for removing physical barriers to persons with disabilities in City buildings.

Please feel free to contact me if you have any additional questions at (213) 202-2752 Voice, (213) 202-3452 TTY, or angela.kaufman@lacity.org. Thank you for all your assistance in accommodating persons with disabilities to be able to participate in your WLASNC meetings.

Sincerely,

Angela M. Kaufman

ADA Compliance Officer

CC. Stephen David Simon, General Manager, DOD

Grayce Liu, General Manager, DONE

Jeffrey Brill, ADA Coordinator, DONE

Carey Stone, ADA Coordinator, DOD

Len Nguyen, Council District 11

Darren Martinez, City Attorney’s Office