



**ACCESS APPEALS COMMISSION
MINUTES
Regular Meeting Wednesday, January 25, 2012**

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Vice-President Brown at 1:15 P.M.

COMMISSION MEMBERS PRESENT:

Ms. Alyce G. Brown Vice President
Mr. William Ellsworth
Mr. Arnie Lerner
Mr. Walter Park

CITY REPRESENTATIVES:

Mr. Tom Fessler, Secretary
Ms. Elaine Warren, Deputy City Attorney

2. REVIEW AND APPROVAL OF MINUTES:

The minutes for the December 14, 2011 meeting were approved unanimously, without changes.

3. REVIEW OF COMMUNICATIONS ITEMS:

Secretary Fessler reported that he had spoken with the Department of Human Resources regarding the disaster service worker numbers issued to the commissioners are for identification purpose only. Commissioners are not expected or required to serve in an event a disaster is declared in the City and County of San Francisco.

4. CONTINUED APPEAL

APPEAL #11- 05

439 COURTLAND AVENUE

This continued appeal is requesting an unreasonable hardship, based on cost, be granted for the lack of a fully compliant front entry to an existing retail store. The appellant is proposing an entry which meets all the provisions of Administrative Bulletin 012, with the exception of item #3.

The Previous Access Appeals Commission meeting held on August 10, 2011 determined an entry complying with San Francisco Administrative Bulletin 012 (AB012) may be achieved by altering the slope of the existing sidewalk. The appellant was directed to work with the Department of Public Works (DPW) to obtain approval to alter the slope of the existing sidewalk in order to provide a compliant entry.

After consulting DPW two options for altering the sidewalk were provided. Both options would increase the cost of construction by 39% and 63% respectively. Because of the increased cost of altering the sidewalk, the appellant requests the original appeal be approved with equivalent facilitation being provided with an entry which complies with AB012 with the exception of item #3.

Nilaysh Shah the property tenant testified to the financial difficulty he is experiencing in order to provide an accessible front entry. He has already spent \$4,000 on architectural plans, the proposed sidewalk alterations costing a minimum of \$6,000 more than the original proposal of \$16,000, making the revised proposals cost prohibitive. He requested the commission grant his original appeal.

Architect Marc Lindsell presented the differences between the three options described in the appeal packet. The original option had the ramp completely within the tenant space. The two new proposals had alterations to the sidewalk as part of the proposal. After months of review by DPW, a final design approval by DPW has not been forthcoming. Because of the increased cost and uncertain final approval by DPW he requested the original option be approved.

Commissioner Lerner stated that he had visited the site and had some suggestions to improve the proposal. Placement of guardrails at the exterior entry would help define the ramp and prevent persons from approaching the door from the sloped sides. He also suggested providing a handrail on the interior side of the ramp.

After a discussion involving adding details to the original proposal, Commissioner Park made a motion to grant the appeal under the following conditions;

- 8' long and 5' wide ramp extending from the property line into the tenant space
- Guardrails on both sides of the ramp at the building's exterior
- Power door operator located at the exterior guardrail on the doors latch side
- 3'0" door providing 32" minimum clearance
- Compliant handrail on the strike side of the interior ramp
- Low wall or guardrail on both sides of the interior ramp
- No changes to the existing sidewalk

The motion was approved by a vote of 4-0 with one commissioner absent.

President Vernali	Absent
Vice President Brown	Yes
Commissioner Lerner	Yes
Commissioner Ellsworth	Yes
Commissioner Park	Yes

5. DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS:

There was none.

6. COMMISSIONER'S AND STAFF'S QUESTIONS AND COMMENTS:

There was discussion about the periodic ethics training required by the commissioners. Secretary Fessler will forward an email he received from the San Francisco Ethic Commission which has links to required training and forms for 2012.

7. PUBLIC COMMENT:

There was no public comment.

8. ADJOURNMENT:



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