

Draft AAC By-laws Amendments
October, 2009

Rule 8. Decisions

- (d) Notice. Following the hearing the Secretary shall promptly send a written Notice of the Decision to the appellant and to other parties to the appeal if any. (S.F. Building Code, § 105.3.8.)

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Notices of Decision must be signed by the Commission Secretary and counter-signed by the Commission president. Draft Notices of Decision shall be sent by the Commission secretary or attorney to the Commission president, who will have up to three business days after receipt to sign or request changes. To avoid delay of City business, any draft Notice of Decision to which the president does not respond within four business days may be deemed approved, and may be published.

[new rule??]

(g) Publication.

Meeting Notices and agendas, meeting Minutes, and Notices of Decision are public documents. Each shall be published on the Department public web site timely. Meeting Notices shall be posted to the web site at least five business days before each meeting. Minutes shall be posted within 15 business days of each meeting. Notices of Decision shall be posted to the web site within 10 business days of final publication.

Rule 5. Appeals

(b) Method of Appeal. An appeal is taken by filing a written notice of appeal with the Secretary of the Commission on the form prescribed. The appellant may attach to the notice any documents that support the appeal, and must furnish the Secretary with an original and seven copies of the notice and any attached documents. (S.F. Building Code, § 105.3.4.)

(c.) (new) Electronic Submission of Access Appeals Documentation

1. Written documentation of Appeal. The Commission requires an appeal package with eight items as specified in its Information Guide, updated from time to time.
[most recently updated: 14 November 2007]

The current Guide states that:

"Each appeal package must include items 1 through 8 in the order noted below. Failure to include this documentation may result in an appeal being rejected for incompleteness."

- 1 Cover sheet with building identification and contact information
- 2 Completed Notice of Appeal form
- 3 Copy of front and back of permit application.
- 4 Unreasonable Hardship Request (UHR) form.
- 5 Copies of Department of Building Inspection correspondence *and email*.
- 6 Written narrative, explaining basis of appeal.
- 7 Verification of purported costs of compliance.
- 8 Relevant plans, 11 x 17 maximum size.

2. Electronic documentation of Appeal

Effective 1 January 2010, in addition to written submittals, Appeal Packet items 1, 2, 4, and 6 shall be submitted to the Department representative as one or more electronic document text files.

Items 3, 5, and 7 may be submitted as document text files, or may be scanned from original documents and submitted as tagged Portable Document Format (.pdf) files.

Although preferred, it is not required that Item 7, Relevant Plans, be submitted in electronic form.

It is the responsibility of appellant to make sure that all electronic files are together, and to confirm their receipt by the Department.

The Department shall specify which commonly used file formats and media formats can currently be accepted.

[end of by-law's amendments]

Add to Information Guide --

Electronic documentation required after 1 January 2010:

Formats.

Currently package items 1, 2, 4, and 6 can be accepted by the Department in Microsoft Word (.doc) or equivalent, Open Document Text (.odt), web (.html), tagged Portable Document Format (.pdf), rich text (.rtf), or plain text (.txt) formats. 'Tagged' PDF files are those which can be word searched. The Department cannot accept WordPerfect (.wpd) format files.

Item 7, Relevant Plans, can be accepted in AutoCAD or Open Design Alliance formats (.dwg or .dxf), or as tagged Portable Document Format (.pdf) files.

Media.

These files currently may be submitted via email, on CD, DVD, or on a flash memory drive. It is the responsibility of appellant to make sure that all files are together, and to confirm their receipt by the Department.

The Commission Appeal Information Guide now says --

Each appeal package must include items 1 through 8 in the order noted below. Failure to include this documentation may result in an appeal being rejected for incompleteness.

1. The cover or first sheet of the package which clearly lists:
 - a. The property address
 - b. The business or common name
 - c. The name, address, phone number & fax number of the persons making the appeal
 - d. The name of the contact person at the site
 - e. The times the site may be visited
2. A completed Notice of Appeal form. A blank copy of this form is included as part of this information package.
3. A copy of the permit application form *both* front and back which was filed and reviewed by the Department for the project under appeal.
4. A copy of the Unreasonable Hardship Request (UHR) form. The UHR must be filed with a permit application and denied, or approved with ratification required, prior to making an appeal before the Commission. The UHR must be reviewed and signed by the plan checker responsible for reviewing your plans, their immediate supervisor and the manager of the Commercial Plan Check division. Whenever a plan checker denies the UHR or requires ratification, the UHR should cite the code section that is the basis for that denial or ratification. Supporting documentation, such as estimates of construction costs, etc., must be attached as part of this form.
5. Copies of Department of Building Inspection correspondence. This includes any Notice of Violation, Correction Notices, Plan Review comments etc., which address the specific decisions made by the Department and under appeal before the Commission.
6. A written narrative which cites the applicable code sections. This is item #5 on the Notice of Appeal form. This narrative should state:
 - a. the nature or use of the property;
 - b. the specific code section which you are appealing;
 - c. the specific code section(s) on which you base your appeal;
 - d. the arguments supporting your appeal;
 - e. the reasons why you believe there is an unreasonable hardship to provide the access feature under appeal;
 - f. what equivalent facilitation, if any, you propose to provide; and
 - g. any additional reasons why the Commission should grant your appeal.
7. Verification cost breakdown. Please submit more than one estimate (three preferred). These estimates must be signed by a responsible party such as a contractor or design professional.
8. Relevant plans. These must be the same plans reviewed by the Department. The plans shall be reduced to 11"x17" (maximum) and bound as part of the appeal package. The submittal of one or two full size plan sheets is not prohibited, however, each full size sheet should merely clarify what is in the package. It should not be a stand-alone document.