DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ACCESS APPEALS COMMISSION

MINUTES
Regular Meeting
Wednesday, January 28, 2004
1 Dr. Carlton B. Goodlett Way, Room 416

1. CALL TO ORDER AND ROLL CALL

The meeting of the Access Appeals Commission was called to order by President Baltimore at 1:10 P.M.

COMMISSION MEMBERS PRESENT: Ms. Roslyn Baltimore, President
Mr. Linton Stables, Vice-President
Ms. Enid Lim
Mr. Francis K. Chatillon
Ms. Alyce G. Brown

COMMISSION MEMBERS ABSENT: None

CITY REPRESENTATIVES: Mr. Rafael Torres-Gil, Acting Secretary
Ms. Judy Boyajian, Deputy City Attorney
Ms. Susan Pangilinan, DBI, Recording Secretary
Ms. Doris M. Levine, Reporter

2. PUBLIC COMMENT: None

3. APPROVAL OF MINUTES:

Vice President Stables moved to accept the minutes of January 14, 2004 with several corrections noted by Commissioner Brown.

The motion was passed.

4. REVIEW OF COMMUNICATION ITEMS: None

5. CONTINUED APPEAL:

a) Appeal # 03-01 350 Sansome Street

Partial presentation of the Summary of the Appeal and Staff Report by Rafael Torres-Gil.

Presentation by Louis Felthouse, Architect for the applicant.

President Baltimore asked if the Department had any comments on the code sections referenced by Mr. Felthouse.

Mr. Torres-Gil elaborated on AB-006 and the lack of a precise definition of "reasonable distance" in the code.

Commissioner Chatillon asked about the number of stalls in the bathrooms and whether a unisex restroom had been considered.

Mr. Felthouse elaborated on the existing restrooms and the costs associated with the unisex restroom.

Commissioner Chatillon inquired of the available signage for the bathrooms.

Mr. Felthouse indicated that signage would be installed.

Vice-President Commissioner Stables asked if AB-006 was written on the assumption that bathrooms existed on the actual floors of remodel as opposed to a situation where there are no bathroom on the floor. He felt AB-006 did not anticipate this situation in this unusual building.

Commissioner Brown said that it was her understanding that part of the 7th floor as committed to a future restroom except for the plumbing.

Mr. Phillips, General Manager, said that there is a space designated for storage. It had to be cut out of the tenant space. When the tenant signed thee lease they had not anticipated having to give up that space that is being used for storage.

Commissioner Brown said that when the case was first heard by four commissioners (split decision), the space was considered for unisex. The tenant is now in the space and has not lost rental income. This appeal could go on forever and it would be ok for the tenant. She was upset because it was her impression that the (1st) permit was delaying the tenant use. She was apprehensive because the appeal had not been adjudicated. She reads AB-006 'on the story', meaning on the floor, and she feels they can put in a bathroom. They have the space all they have to do is put the plumbing in. The permits indicate that $502,000 has been spent on that floor and 20% by law must accommodate the disabled or $25,000 because the space is there all ready. She sees no reason why they should accommodate (the applicant) at this point.

Mr. Felthouse indicated that they are in a bad place in the market with 30% vacancy in the building and $2 a square foot must be spent for life-safety requirements for every TI. Fire sprinklers are just being installed for retrofitting high-rise buildings costing $7.50 a square foot and asbestos abatement cost $5.00 a square foot, or $15 square foot fix on this building. The owners generally

offer a tenant improvement allowance to prospective tenants to help them get their space built out. This puts this building at an extreme disadvantage on every negotiation, which is why they still have a 30% vacancy. It's an unfair playing field when having to compete with newer buildings that have the updated systems.

Mr. Garth Phillips, General Manager, elaborated on the rental rates and costs associated with the building. He also emphasized what he considered a misstatement of fact associated with the value of permits and outlined the expenses incurred in the 7th floor renovations as they relate to TI, life-safety, asbestos and sprinklers. In the end, they may break even on the 6th year of a 7-year lease without putting in the restrooms. The space is carved out but it can't be expanded into until this appeal is resolved. There is other space on the floor that can't be leased until the bathroom issue is resolved. He further elaborated on the costs and dilemma of upgrades, inspections, permits and the current market place. He also emphasized that the building guards log in all persons and any persons in wheelchairs or disabled and also makes provisions so that in event of a fire they would want to know how to get them out. They also make sure they are aware of where the handicapped restrooms are located.

Commissioner Brown asked Mr. Phillips how long they have owned the building.

Mr. Phipps said that it was purchased from the Cahill family in January of 2000 and the due diligence was performed and they were aware of the code compliance issues associated with the property. They may have not anticipated that rents would be back where they were in the late '80's.

President Baltimore asked Commissioner Lim if she had a chance to review the previous testimony.

Commissioner Lim answered in the affirmative.

President Baltimore asked for Public Comment. There was none.

Vice President Stables moved to grant the Unreasonable Hardship based on financial constraints and also the fact that they provided equivalent facilitation.

Mr. Torres-Gil inquired whether there should be a note about signage, either lobby signage or on the 7th floor.

Vice President Stables amended his motion to include signage directing people to the proper floor where accessible restrooms are located.

President Baltimore requested that signage be provided throughout the building.

Commissioner Chatillon said that he wanted to make sure that signage is provided on every floor but that he would vote against the motion, as he doesn't think that it is unreasonable that they turn the bathroom into a unisex. He agrees with Commissioner Brown and her testimony.

Vice President Stables	**Aye**
Commissioner Brown	**No**
Commissioner Chatillon	**No**
Commissioner Lim	**Aye**
President Baltimore	**Yes**

The motion passed on a vote of 3-2.

President Baltimore said that every time it comes up it may have to come back before the commission.

6. COMMISSIONERS AND STAFFS QUESTIONS AND COMMENTS:

President Baltimore requested that an item be agendize for the next meeting: how to select a Vice-President, since Commissioner Stables announced in the last meeting that he would be leaving.

Vice-President Stables noted that he would be leaving town after the 27th of February and that he would like to accommodate the work of the commission. If there are cases that can be decided and he can help do that before they fill the spot until the end of February.

Mr. Torres-Gil noted the Outstanding Items page of the agenda package, which identified two cases to be heard in February.

Commissioner Brown noted the 'rotation' rule for the position of Vice-President.

Mr. Torres-Gil noted that he would speak to Ms. Aherne, Secretary to the BIC regarding their progress in selecting other candidates for the vacant position.

7. PUBLIC COMMENT:

None.

8. ADJOURNMENT:

The meeting adjourned at 1:52 PM

_____

Rafael Torres-Gil
Senior Building Inspector
Department of Building Inspection
Secretary to the Access Appeals Commission