



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco

1660 Mission Street, San Francisco, California 94103-2414

DRAFT

ACCESS APPEALS COMMISSION

MINUTES

Wednesday, February 23, 2000

1:00 P.M.

City Hall

1 Dr. Carlton B. Goodlett Way, Room 416

1. CALL TO ORDER AND ROLL CALL

The regular meeting of the Access Appeals Commission was called to order at 1:06 p.m. by President Stables.

COMMISSION MEMBERS PRESENT: Mr. Linton Stables, III, President
Ms. Enid Lim, Vice-President
Ms. Roslyn Baltimore, Commissioner

COMMISSION MEMBERS ABSENT: Ms. Terry Hogan, Commissioner
Seat vacant due to resignation

CITY REPRESENTATIVES: Mr. Todd Jackson, DBI
Ms. Susan Pangilinan, DBI
Ms. Miriam Stomblor, Deputy City Attorney
Ms. Doris M. Levine, Reporter

Once roll call had been taken and a quorum of three members was present, President Stables informed appellants of the rule allowing appeals to be continued at the request of the appellants if there are only three members present. This information was provided for consideration with a decision to be made when an agenda item is called.

2. APPROVAL OF MINUTES:

Inspector Jackson informed the Commission the minutes for the meeting held Wednesday, January 26, 2000 were still being prepared. The item will be continued to the next meeting.

3. PUBLIC COMMENT:

None.

4. CONTINUED APPEALS:

- a. **Appeal No. 99-16** (PA#9906616) **1765 California Street**
Mr. John Peterson

President Stables called for this case to be heard and appellant John Peterson requested a continuance due to there being only three members present. The case had been previously continued because the complainant had not been present.

Mr. Richard Skaff spoke strongly in support of having the case heard. He felt enforcement matters should not be delayed. The Commission considered the fact that the appeal had been previously delayed due to the unavailability of Mr. Skaff, and allowed this request for and granting of a continuance to be the last.

5. NEW APPEALS:

- a. **Appeal No. 00-01** (PA #9925516, #9925517, #9925518) **Hayes Valley**
Mr. Erik Ruppe

409 Page Street
Building 8

405, 415, 425 Rose Street
Building 13

320, 340, 352, Haight Street
Building 15

The appellant is appealing three permit applications that have been administratively denied. The areas that are the subject of this appeal are bathrooms within individual dwelling units where code prescribed clearances around the water closets has not been provided. The code requires water closets to be placed in a 36" wide space with 48" clear in front, *or* placed in a 48" wide space with 36" clear in front. The appellants are requesting a determination of equivalent facilitation to leave the "as-built" conditions as constructed.

Appellant, Mr. Erik Ruppe stated he would like the appeal heard despite the presence of only three Commissioners. Mr. Ruppe presented a signed affidavit from a disabled individual attesting to the usability of the existing restroom configuration. He requested permission to distribute the material and it was granted by President Stables.

After opening presentations by both the Department and the appellant, the Commission asked a number of very detailed questions to fully understand the case. This resulted in a lengthy discussion and graphic presentation. The Department stressed the maneuvering space in question did not comply and was actually designed with one half of the lavatory encroaching into the space.

The appellant continued to declare the condition usable, citing the affidavit distributed earlier. The affidavit stated the user was able to, use the space and access the water closet. A chart presented by the appellant summarizing the various dimensions within the restrooms in question was not included in the appeal packet and inspector Jackson requested a copy be provided for the public record.

President Stables called for public comment.

Mr. Cole Roland commended the Commission for their knowledge and thoughtful consideration of the issue.

There was no further public comment.

*On a motion by Commissioner Lim, with a determination that the Departmental interpretation of the Code was proper, the Commission voted 3:0, with Commissioner Hogan absent and one seat vacant due to resignation, to **deny** this appeal.*

**b. Appeal No. 00-02 (PA#2000011386) 124 Geary Street
Mr. Doug Fong**

Inspector Jackson explained this appeal had been administratively granted. The case involved three separate buildings which had been previously combined into one. The subject space consists of a basement, ground, and second floor with direct access off the public street. The basement and second floor have never been occupied. The main building elevators do not serve the tenant space. The second floors of the three buildings do not align.

The appellants actually sought and prefer the use of a full-size passenger elevator, however the floor above this proposed improvement was located just over eight feet above. This prevented providing the necessary "overrun" space required above an elevator car. The cost of the elevator was less than the cost of the special access lift. The lift was the only reasonable means of providing an accessible path of travel between floors, as the use of a ramp or elevator is infeasible. It was administratively approved per the specific powers in the Code.

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

Vice-President Lim informed the Commission she has been appointed to the Municipal Railway Transportation Commission (MUNI Commission). She has asked the City Attorney's Office to provide an opinion on her potentially perceived conflict of interest in serving on two public commissions. She is still awaiting confirmation from the Board of Supervisors and has a preliminary opinion there will be no conflict. There is the remote possibility the Access Appeals Commission would be left with three sitting members; limiting the ability to conduct business.

7. PUBLIC COMMENT:

Mr. Cole Roland spoke against the use or approval of special access lifts as a means of an accessible path of travel. He recommended they be approved only as a last resort. He stated in a cursory review of 10 lifts, only two were fully accessible.

Commissioner Baltimore informed Mr. Roland the Department of Building Inspection has a formal complaint process and suggested he file complaints.

Mr. Roland replied he was quite familiar with the process and had used many times.

Commissioner Baltimore urged Mr. Roland to initiate the complaint process so the matter

could ultimately be heard by the Access Appeals Commission as an appeal. She felt they could make failure to comply more difficult.

Commissioner Baltimore inquired when matters may be appealed to the Commission, and Inspector Jackson explained definitive, final actions, in written form, were eligible to be appealed.

President Stables advised Mr. Roland to file a complaint with the Department, have an inspection made, and have the owner/tenant address the violation. Unsatisfactory resolution could then be appealed to the Access Appeals Commission.

Commissioner Baltimore recommended the Access Appeals Commission be creative in the use of the process.

There was no further public comment.

There being no further business the Access Appeals Commission adjourned at 2:26 p.m.

Todd Jackson, Senior Building Inspector
Department of Building Inspection
Secretary to the Access Appeals Commission