

DRAFT

ACCESS APPEALS COMMISSION

MINUTES

Wednesday, March 8, 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 1:20 p.m. by
President Stables.

COMMISSION MEMBERS PRESENT: Mr. Linton Stables, III, President
Ms. Roslyn Baltimore, Commissioner
Ms. Terry Hogan, Commissioner

COMMISSION MEMBERS ABSENT: Seat vacant due to resignation

CITY REPRESENTATIVES: Mr. Todd Jackson, DBI
Mr. Jim Whipple, DBI
Ms. Susan Pangilinan, DBI
Ms. Miriam Stompler, 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 meetings held Wednesday, February 16, 2000 and February 23, 2000 were still being prepared. A draft copy of the minutes for the meeting held Wednesday, January 26, 2000 was reviewed and Vice-President Li moved to approve them. There were no objections. Approval of the minutes not yet prepared will be continued to the next meeting.

3. PUBLIC COMMENT:

None.

President Stables allowed Inspector Jackson to make an announcement. Inspector Jackson informed those in attendance that there were several vacant positions on various public advisory bodies at the Department, as well as the vacant seat on the AAC. He encouraged all interested parties to apply.

4. CONTINUED APPEALS:

President Stables informed appellants of the rule allowing appeals

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request of the appellants if there are only three members present. This information was provided for consideration by the appellants, and the President requested they all indicate how they would like to proceed.

Mr. John Peterson, representing Appeal No. 99-16, 1765 California Street, requested this case be continued.

Counselor Stombler explained that this was an enforcement matter and another continuance would not be advisable.

President Stables declined the request for continuance and required the case to be heard.

Mr. Tim Pierce, representing Appeal No. OA99-01, 2675 Geary Boulevard, requested a continuance.

Counselor Stompler advised the Access Appeals Commission that they are actually sitting as the Abatement Appeals Board and a continuance of 60 days would be permissible.

President Stables granted this 60 day continuance.

Ms. Jayne Speich, representing Appeal No. 00-04, 601 California Street; and Appeal No. 00-05, 55 4th Street; indicated she would like to proceed on both appeals. However

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)

Mr. Erik Ruppe 409 Page Street The a
Building 8 have been administratively denied. The areas
that are the
subject of this appeal are bathrooms within
individual
405, 415, 425 Rose Street dwelling units where code prescribed
clearances around the
Building 13 water closets has not been provided. The code
requires
water closets to be placed in a 36_ wide space
with 48_ clear
320, 340, 352, Haight Street in front, or placed in a 48_ wide
space with 36_ clear in
Building 15 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. After a lengthy discussion, the President 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
Street

(PA#2000011386)
Mr. Doug Fong

124 Geary

Inspector Jackson explained this appeal had been administratively granted. The case involved three separate buildings which had been previously combined into one entity. 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 loft. 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 AAC 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.

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