



DEPARTMENT OF BUILDING INSPECTION
City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ACCESS APPEALS COMMISSION

MINUTES

Wednesday, March 27, 2002

1:00 P.M.

City Hall

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 Vice-President Brown at 1:00 PM.

COMMISSION MEMBERS PRESENT:

Ms. Alyce G. Brown, Vice-President
Ms. Roslyn Baltimore
Mr. Linton Stables III
Ms. Enid Lim

COMMISSION MEMBERS ABSENT:

Mr. Francis K. Chatillon, President

CITY REPRESENTATIVES:

Mr. Marvin Ruiz, Secretary
Mr. Rafael Torres-Gil, DBI,
Ms. Susan Pangilinan, DBI, Recording Secretary
Ms. Judy Boyajian, Deputy City Attorney
Ms. Doris M. Levine, Reporter

2. PUBLIC COMMENT: There was no public comment.

3. APPROVAL OF MINUTES:

Commissioner Stables moved to approve the minutes for March 13, 2002, as presented.

4. REVIEW OF COMMUNICATION ITEMS:

There were no communication items at this time.

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Appeal No. 02-05, 1748 Market Street

Vice-President Brown made note of the presence of a quorum, to the appellant, given the absence, at this time, of Commissioner Baltimore. (Ms. Baltimore arrived at approximately 1:15)

Ms. Flournoy, Executive Director of the Lyon- Martin Women's Health Services asked about the ramifications of denial.

R. Torres-Gil responded that she could request a rehearing and Commissioner Stables elaborated further that there is a \$100 fee and two hearings involved, one to request the rehearing and another to rehear the appeal.

Presentation of the DBI's appeal summary by Marvin Ruiz, Secretary to the AAC.

Presentation by Ms. Flournoy, Executive Director of the Lyon- Martin Women's Health Services, in support of the applicant's request for ratification of the UHR.

Presentation by Troy Kashanipour, Architect, in support of the applicant's request for ratification of the UHR. He is representing Ms. Sussannah Meeks, who could not make it to the hearing.

Ms. Flournoy presented details of the strategies for staff to assist individuals who are unable to get into the elevator.

Mr. Kashanipour presented details of the proposed budget associated with the cost for replacing the existing elevator.

Commissioner Stables asked three questions:

Is the unreasonable hardship already granted? R. Torres-Gil affirmed that it is.

The drawings for the elevator do not match, a full size on the floor plan and a swing door and smaller elevator on the details from the elevator companies. Is he looking at the right elevator? Mr. Kashanipour responded that the smaller elevator was an optional residential elevator proposal. Discussion ensued regarding the differences between the two elevators.

Did someone in a wheelchair go into the existing elevator and back out. Mr. Kashanipour said that the building owner hired a consultant to try it with a motorized wheelchair vehicle but the wheelchair did not allow the doors to close. The collapsible chair was smaller and did allow use of the elevator.

Commissioner Baltimore asked whether there was six years left in the lease? Ms. Flournoy said that they were about to sign a six-year lease. They are in the process of negotiating that now. Commissioner Baltimore asked if the building owners would be helping with the elevator problem – making the elevator accessible.

Ms. Flournoy said that he has shown a willingness to help.

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Commissioner Baltimore asked if the grantor is willing to help upon completion of the present grant. Ms. Flournoy indicated that the grantor cannot promise to give more money but that they are open to and they are able to apply for more.

Commissioner Lim asked about the elevator closing with the motorized wheelchair and indicated that people who use these chairs have limited arm capacity. Staff would have to be available to push them around. Do they have enough staff to provide such service?

Ms. Flournoy said that currently there are three medical assistants and after additional training in lifting with bracing and harnesses that they would use, that they would be able to do that. She has spoken with the clinic director and they would be able to have that training.

Vice-President Brown asked whether the landlord is willing to offset some of the money to enlarge the elevator?

Mr. Ray Moresi, the owner of the building, said that they would be willing to bear part of the costs. It is a situation that has to be discussed in numbers because the current situation of the building and their philosophy as owners. When the cost of the elevator versus the income makes it non feasible for them to do it, discussing a portion of that cost makes it more feasible to do it. They would be willing to participate and they would have to look at raising their rent in order to compensate over a number of years a reasonable return on the building.

Vice President Brown asked if they can assume that their rent will not be raised for at least six years.

Mr. Moresi said that if the UHR is approved, you can assume that. He has already granted an extension of the current lease to 1/31/08 as the expiration date. The lease is set with respect to the number and conditions of lease.

Commissioner Baltimore made the motion to grant (ratify the URH) the appeal. She feels they have made reasonable accommodations, are willing to apply for a grant and the owner is willing to discuss it, which would take place with any grants that are giving for the elevator. They have legal constraints against expansion of the shaft and they have a lot of work that needs to go into doing this.

Vote on the motion by Commissioner Baltimore:

Commissioner Baltimore	Aye
Commissioner Lim	Aye
Commissioner Stables	Aye
Vice President Brown	Aye

The motion to ratify the Unreasonable Hardship Request, was granted with a vote of 4 - 0.

6. COMMISSIONER AND STAFF COMMENTS AND QUESTIONS:

Commissioner Baltimore requested the mailing of the AAC roster to all commissioners

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Commissioner Stables suggested that, at the next meeting, an item be put on the agenda for adoption of a commendation for Inspector Torres-Gil for the work that he has done as the Secretary of the AAC. He indicated that when they have had a change of Secretary, they have tried to recognize the work of the people who have ... (*Commissioner Stable's comment was not completed due to the interjection of Commissioner Baltimore*).

Commissioner Baltimore interjected that she felt it is inappropriate to make such a suggestion when he is sitting here.

Commissioner Lim asked if there was a possibility of having a training session with the Department of Traffic and Parking in view of it going to be a different department. The AAC frequently has questions about accessible parking on the street and they are in charge of it. The AAC has had session with them before and she doesn't know if there have been any changes in laws. There are new members of the commission who would be interested in finding out exactly how they go about it and what the different constraints are so that if they suggest that it be done they know it can be done.

R. Torres-Gil said he could contact DPT.

Vice President Brown asked who could be contacted to train the AAC about sidewalks/ curb cuts? All over the City, if you are in a wheelchair or have any disability, 90% of cuts are on one side of the street and not on the other and usually it is on the side you can get killed and not the other.

R. Torres-Gil said he believed that there would be a specialist in DPW Streets and Sidewalk Unit. R. Skaff also has some jurisdiction in that bailiwick and he will contact Mr. Skaff.

Commissioner Lim said that Mr. Skaff has a lot of experience with marking out of curb cuts in Chinatown. He is helpful to the community on how, where and how wide the curb cuts should be made.

7. PUBLIC COMMENT:

There were no public comments.

8. ADJOURNMENT:

The meeting was adjourned at 1:40 PM.

Marvin Ruiz, Chief Building Inspector
Department of Building Inspection
Secretary to the Access Appeals Commission