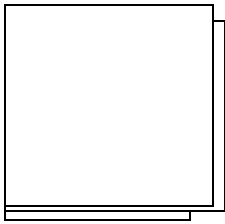


Access Appeals Commission Hearing: July 11, 2001



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

ACCESS APPEALS COMMISSION

MINUTES

Wednesday, July 11, 2001

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 by President Lim at 1:05 PM.

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

COMMISSION MEMBERS ABSENT: None

CITY REPRESENTATIVES: Mr. Rafael Torres-Gil, DBI, Secretary
Ms. Susan Pangilinan, DBI, Recording Secretary
Ms. Miriam Stombler, Deputy City Attorney
Ms. Doris M. Levine, Reporter
Mr. Jim Whipple, Building Inspector

2. PUBLIC COMMENT:

There was no public comment.

Public comment was closed.

3. APPROVAL OF MINUTES:

A unanimous vote by the commissioners approved the minutes for the commission hearing of April 25, 2001.

Access Appeals Commission Hearing: July 11, 2001**4. REVIEW OF COMMUNICATION ITEMS:**

There were no items for review by the commission.

5. NEW APPEALS:

a. Appeal No. 01-04 (PA #200104177010) 2120 Broadway Susi Marzuola

The summary of the appeal was presented by Mr. Torres-Gil.

Presentation by Ms. Correen Hester, Head of the Hamlin School.

Presentation by Mary Murphy, Attorney and member of the Hamlin School Board of Trustees.

Presentation by Susi Marzuola, Architect.

Commissioner Stables inquired about the exposure to the elements along the current and proposed Paths of Travel and whether there has been an application to the Division of Elevator Safety for the height of the lift. Ms. Marzuola indicated that the paths will be similar in exposure and that the lift height is limited for 12 feet and that it is compliant. Commissioner Stables inquired about the controls and Ms. Marzuola indicated that they are similar to an elevator.

Commissioner Brown inquired about building height details associated with an elevator installation. Ms. Marzuola elaborated on the height details and the history of the appeal. Commissioner Brown also inquired about of the number of disabled students. Ms. Murphy responded.

Vice-President Chatillon requested a representation of the path of travel through the site. Ms. Murphy responded.

Commissioner Baltimore arrived at approximately 1:35 p.m. she stated that she would be happy not to vote unless the applicant or her fellow commissioners wish her to vote. She felt she understood the basic issue and requested that they catch her up on anything they consider relevant.

President Lim inquired about the significance of the 'PUD' designation and its affect of the path of travel. Mr. Torres-Gil responded that it did not affect the path of travel in any way, that it was a zoning/land use issue affecting the merging of several lots. President Lim also inquired if there had been any consideration of an Article 15 elevator. Ms. Murphy indicated that there was consideration of an Article 15 elevator but that the platform size was smaller than the lift and that there was a need to accommodate a 90 degrees change in direction.

Commissioner Baltimore inquired of Commissioner Brown's problem with lifts.

Commissioner Brown indicated that she has problems with lifts. She is always concerned that they may break down and there will be children on the lift. She feels the safety of any lift does not allow her to feel comfortable about a lift especially in a school. She would prefer an elevator. In the long run it would be in everyone's advantage to install an elevator.

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President Lim stated that she has the same feelings about lifts and feels that the lift will be open to everyone and that there is a kindergarten on that floor, she has concerns about it. She feels it is a possible attractive nuisance due to its use by everyone.

Ms. Murphy indicated that children would not be permitted to use it except on an as needed basis. The lift would be behind a door. Repair is a concern but in the controlled environment of the school, it would be less heavily used.

Commissioner Stables made a motion to grant the appeal based on financial hardship with the standard list of conditions that apply to lifts. He also added that if safety is a concern this type of lift is the safest type to have because it is fully enclosed. Lifts have been approved in schools that were more open than this one.

President Lim Aye

Vice-President Chattillon Nay

Commissioner Baltimore Indicated she would vote only if there is a tie

Commissioner Brown Nay

Commissioner Stables Aye

Commissioner Baltimore requested additional information.

Ms. Stompler indicated that Commissioners are required to vote on all matters presented. Because of Commissioner Baltimore's late arrival after substantive discussions had begun, it could raise due process concerns if she had missed relevant information. For that reason Commissioner Baltimore asked her fellow commissioners to excuse her from voting, however, because there is a tie it may be appropriate to assure that she has had all relevant information so she can vote. It may be appropriate to ask the applicants to repeat any points Commissioner Baltimore may have missed. Commissioner Baltimore would not be precluded from asking questions if she needed further information.

President Lim requested a brief summary of the earlier presentation by the applicants.

Presentation by Ms. Murphy

Commissioner Baltimore inquired about the functions of the lift.

Comments by Ms. Corren Hestor

Comments by Ms. Murphy

Commissioner Baltimore indicated that she does recall having voted for lifts in other schools that she thought were more heavily used. In terms of consistency she has to support Commissioner Stables and President Lim.

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Conditions:

- § The lift is approved for a four and one-half year period.
- § The lift be enclosed for protection against the elements.
- § A maintenance contract must incorporate inspection of the lift every three (3) months.
- § Appropriate handicapped signage be installed.
- § That the building owner/ manager conduct a functional inspection not less that once a week to confirm that the lift is operational and that a log be available for review by anyone who wishes to see it. A checklist must be incorporated into this inspection.
- § Installation of battery backup power.
- § Installation of power door/gate operators at each landing.
- § The maintenance contract must have a 24 hour response time for service calls so that the lift is not out of operation for more than one day.

6. COMMISSIONERS AND STAFF'S QUESTIONS AND COMMENTS:

Mr. Torres-Gil made note of an inquiry by Commissioner Brown regarding business cards and will be investigating their issuance. He will seek the approval of the Secretary to the BIC.

Commissioner Baltimore presented her ID issued by the Planning Commission.

Mr. Torres-Gil indicated that there would be photos taken for DBI's annual report, of the commissioners, after the meeting is adjourned.

Mr. Torres-Gil indicated that there are two new appeals pending for the next available meeting. It was agreed that the next meeting would be scheduled for August 8th.

VP Chatillon inquired about tie votes. Ms. Stompler stated that the request would then fail to pass. Discussion ensued amongst the commissioners regarding voting, continuation and decision options.

7. PUBLIC COMMENT:

There being no public comment, the meeting was adjourned at approximately 2:30 PM.

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