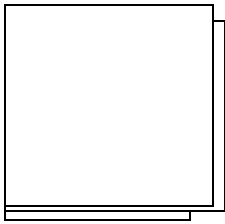


Access Appeals Commission Hearing: August 8, 2001



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

**ACCESS APPEALS COMMISSION**

**MINUTES**

**Wednesday, August 8, 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 1:10 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  
Teresa Saunders, Youthworks Student Intern

**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 July 11, 2001.

**Access Appeals Commission Hearing: August 8, 2001****4. REVIEW OF COMMUNICATION ITEMS:**

Mr. Torres-Gil made note of the communication from Ms. Stombler regarding Prop G/Sunshine Ordinance training and certification and of the presence of Disabled Access Section student intern, Ms. Teresa Saunders.

**5. NEW APPEALS:**

a. Appeal No. 01-05 (PA #9120038)      201 Turk Street      Angela Robinson-Spencer

The item was continued at the request of the applicant. Commissioner Stables requested consideration for anyone in the audience who might be present to speak on the item. There was no one present.

b. Appeal # 01-06 (PA200106262413S)      590 Bosworth Street      Heston Chau

Summary presented by Mr. Torres-Gil.

Presentation by Mr. Chau.

Inquiry by Commissioner Baltimore regarding an Article 15 Elevator and associated costs.  
Response by Mr. Chau.

Inquiry by Commissioner Baltimore regarding staff and room assignments in the building. Response by Dr. Gustavson.

Commissioner Brown inquired if each future room was assigned to a particular dentist, if patients under general anesthetic would be assigned to the first floor and if any personnel were disabled.  
Response by Dr. Gustavson.

General questions by Commissioner Brown, President Lim, Commissioner Baltimore regarding uses in the proposed building.

Commissioner Baltimore inquired about the non-accessible bathrooms on the second floor.  
Response by Dr. Gustavson.

Commissioner Brown inquired about the use of a handrail style lift.

Commissioners Baltimore and Brown inquired where a standard elevator or Article 15 elevator could be installed. Response by Mr. Chau and Dr. Gustavson.

General discussion of site considerations and existing building configurations.

Mr. Torres-Gil inquired about City Planning review of parking and the proposed basement area.  
Response by Mr. Chau.

Comments by Mr. Edward Evans. He objects to the conversion of housing to business uses and wants to assure that accessibility is provided for the disabled in doctors offices.

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Commissioner Baltimore inquired about the configuration options associated with the basement excavation.

Dr. Gustavson elaborated on financial considerations.

President Lim and Commissioner Baltimore indicated that they are uncomfortable with the failure to consider an Article 15 elevator.

Dr. Gustavson elaborated on space and client needs.

Commissioner Stables complimented the applicant on their submittal but indicated that the code specifically says that health care providers cannot be given exception under the code and doesn't feel the commission has the authorization to provide an exception to the exception. He feels they have to deny the appeal.

Commissioner Baltimore stated that the possible expansion of the building may afford more of an opportunity to install an elevator. She would have no problem with an Article 15 Elevator.

Commissioner Brown commented on the senior citizen elements of a residential unit serviced by an elevator but that they were primarily interested in accommodation of the dentist office. The code clearly says that it must be accessible.

Commissioner Baltimore said that she would like them to go back and take another look at it. She for one would be agreeable to an Article 15 elevator. She requested that they consider expanding the envelope of the building.

**Commissioner Baltimore moved to continue the appeal to allow additional time to revisit plans.**

<b>President Lim:</b>	<b>Aye</b>
<b>Vice President Chatillon:</b>	<b>Aye</b>
<b>Commissioner Baltimore:</b>	<b>Aye</b>
<b>Commissioner Brown:</b>	<b>Aye</b>
<b>Commissioner Stables:</b>	<b>Aye</b>

c. Appeal No. 01-07 (PA# 200106131428)      3198 16<sup>th</sup> Street      Calvin Schneider

Presentation of appeal summary by Mr. Torres-Gil.

Presentation by Calvin Schneider.

Commissioner Stables requested clarification from the department concerning the requirement for ratification. He said that an exception shall be granted when equivalent facilitation is provided, that one entrance is accessible and that he did not see the need for ratification.

Mr. Torres-Gil responded that the plan checker and PC staff could not grant the UHR without consideration of exception #4 referencing section 101. This section references ratification.

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Ms. Stompler said that the sections could be subject to different interpretations.

Commissioner Stables elaborated on equivalent facilitation and indicated that he felt ratification was not required. He recommended that the appellant be allowed to withdraw the application or that the AAC can ratify but felt that ratification would set a bad precedent.

Commissioner Baltimore said that if the department feels it needs ratification that certainly the AAC can comply. In the past ratifications have been approved to provide the applicant with assurance that they are in fact ok and that she appreciates the department bringing it to the AAC. She thinks that is the correct action. The AAC has, in the past, been able to provide this protection (without guarantee against litigation), and it eliminates one source of complaint.

Commissioner Stables indicated that he would like to commend the applicant for showing what would not be provided (the ramp).

Mr. Torres-Gil indicated his agreement with Commissioner Stable's interpretation and that he would make note of Commissioner's Stables comments to staff. Commissioner Baltimore indicated that not everyone agreed with that interpretation and that in the past ratifications have been considered. Mr. Torres-Gil indicated that he believed that in the past ratifications have been ignored by staff on a rather consistent basis.

Edward Evans of the Community Resource Project commented that they would like to see all new projects or remodeling be made accessible in all areas to the disabled, especially, exits and entrances in occasions when there might be an earthquake.

Mr. Torres-Gil indicated that the change in occupancy did trigger seismic upgrading and upgrading of the existing restaurant entrance.

**Commissioner Baltimore moved to ratify the approval of the Unreasonable Hardship based on financial and economic hardship and stated that the AAC has to compromise to maintain small businesses in San Francisco and that it is not practical to have every exit accessible given the buildings in San Francisco.**

**Motion seconded by Commissioner Brown.**

<b>President Lim:</b>	<b>Aye</b>
<b>Vice President Chatillon:</b>	<b>Aye</b>
<b>Commissioner Baltimore:</b>	<b>Aye</b>
<b>Commissioner Brown:</b>	<b>Aye</b>
<b>Commissioner Stables:</b>	<b>Aye</b>

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

Mr. Torres-Gil mentioned the need for submittal of business card requests. Further, a memo will be distributed regarding the need to certify familiarity /training with Proposition G/ Sunshine Ordinance provisions.

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**7. PUBLIC COMMENT:**

There being no public comment, the meeting was adjourned at approximately 2:14 PM.

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