



ACCESS APPEALS COMMISSION

MINUTES

Regular Meeting Wednesday, July 12, 2017

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by President Alyce Brown at 1:20 P.M.

COMMISSION MEMBERS PRESENT:

Ms. Alyce G. Brown, President
Mr. Arnie Lerner, Commissioner
Mr. William Scott Ellsworth, Commissioner

CITY REPRESENTATIVES:

Mr. Rick Halloran, Secretary

2. PUBLIC COMMENT: (DISCUSSION)

There was no public comment.

3. REVIEW AND APPROVAL OF MINUTES: (ACTION)

The approval of the minutes for the regular meeting on February 22, 2017 was postponed to the following regular meeting. The minutes of the regular meeting held on June 14, 2017 were approved with amendments.

4. REVIEW OF COMMUNICATION ITEMS: (DISCUSSION)

There were no communication items.

5. AMENDMENTS TO THE RULES OF THE COMMISSION (BYLAWS): (DISCUSSION)

The Secretary discussed the amendments to the bylaws that had been first proposed at the June 14, 2017 regular meeting of the Access Appeals Commission. The Secretary described the necessity of the bylaw change due to the new functions assigned to the Commission under Ordinance 16-51, Chapter 11D of the San Francisco Building Code. The changes would be added to Rule 5 of the existing bylaws for appeals and ratifications. It was discussed that the changes will in essence direct applicants to the Access Appeals Information Guide, which is updated from time to time by the Department. The guide provides applicants information on how to apply and submit for the desired appeal, ratification, question or other activity. It was explained that this will allow the department to adjust the procedures as needed and simplify the needed changes to the actual bylaws.

6. DISCUSSION OF ORDINANCE 16-51 MANUAL: (DISCUSSION)

Secretary Halloran advised that Ordinance 51-16 requires guidelines for Unreasonable Hardships and for Equivalent Facilitations be developed by the Department in conjunction with the Commission. Mr. Halloran gave an overview of why the guidelines are needed and how they will assist in the enforcement of the ordinance.

It was explained that all businesses will have to address their entries and will be placed in one of four categories. Those in categories two through four will be required to fix their entry, declare a technical infeasibility or file for an unreasonable hardship. It was also mentioned that many will comply with the California Historic Building Code.

The Secretary pointed out that the development of guidelines for unreasonable hardships is somewhat hampered by the lack of a cost figure for "construction contemplated" and that these will resemble barrier removal in this respect.

Discussion was held on whether a defining point of verification should be a dollar amount versus something like a ratio of cost and profit. Discussion of the problems connected with reviewing a business' finances such as tax returns and financial statements. It was suggested that the owner instead should submit a document prepared by a qualified accountant that states the conditions of unreasonable hardship. It was suggested that the Department issue guidelines as to how to do that and also search the other City agencies to see if any similar documents already exist.

It was also suggested that the commission develop directions on how to fill out such a request and what would need to be included in such a request. It was discussed and emphasized that granting an unreasonable hardship is not an exception, but rather a delay. The business will need to offer alternate methods of delivering goods and services while they accumulate the funds to perform the work. They will be required to do the work "within a reasonable period of time".

Secretary also introduced the concept of alternate methods of delivering goods and services. The Commission discussed various ideas and stated that they should develop a list similar to an administrative bulletin for plan reviewers to consult. The goal would be to develop a number of alternatives that can be approved by the Department without the AAC. The Commissioners asked that the manual be re-entered into the next agenda as a discussion and possible action item.

The Secretary asked the Commissioners to think further about how this could be done for further discussion at the next meeting.

7. COMMISSIONERS AND STAFF QUESTIONS AND COMMENTS: (DISCUSSION)

The Secretary thanked the Commission and stated that he felt their comments were extremely helpful.

8. ADJOURNMENT: (ACTION)

The meeting was adjourned at 2:30 P.M.

Thank you,



Rick Halloran
Senior Building Inspector
Department of Building Inspection
Secretary to the Access Appeals Commission