



ACCESS APPEALS COMMISSION

MINUTES

Regular Meeting Wednesday, September 13, 2017

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by President Alyce Brown at 1:05 P.M.

COMMISSION MEMBERS PRESENT:

Ms. Alyce G. Brown, President
Mr. Walter Park, Vice President
Mr. Arnie Lerner, Commissioner
Mr. William Scott Ellsworth, Commissioner
Mr. Kim Blackseth, Commissioner

CITY REPRESENTATIVES:

Mr. Rick Halloran, Secretary
City Attorney Elaine Warren Excused

2. PUBLIC COMMENT: (DISCUSSION)

There was no public comment.

3. REVIEW AND APPROVAL OF MINUTES: (ACTION)

The minutes of the regular meeting held on February 22, 2017 were approved with amendments.

4. REVIEW OF COMMUNICATION ITEMS: (DISCUSSION)

The Secretary introduced an email that had been forwarded to the Commissioners from a Ms. Castoria inquiring if the AAC had taken or was planning to take any action regarding HR 620. The Commissioners discussed how this appears to be a very problematic bill, Commissioner Brown related her discussion with Congresswoman Speier's Aide. Discussion was held on how the bill was very problematic even though the Legislators who support the bill do so with good intentions. Commissioner Blackseth asked if this fell under the prevue of the AAC duties and it was suggested by Commissioner Park and agreed upon by the Commission that this question should be posed to the City Attorney. It was also suggested that the Secretary draft a letter to the Board of Supervisors outlining the problems and concerns with this bill and forward to Commission prior to next meeting.

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. Due to City Attorney Elaine Warren being absent it was recommended by the Secretary that the adoption of the bylaws be postponed until the next regular meeting. After lengthy discussion the Commission approved a motion to postpone action on the adoption of the amendments to the rules of the Commission (bylaws) until the next scheduled meeting and directed the Secretary to provide a draft of an amended Information Guide to the Commission for discussion and possible action at the next meeting.

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

Discussion was held on what might constitute an unreasonable hardship seeing there is no comparative value such as the adjusted cost of construction. Discussion was held on what the anticipated average cost of compliance would be. It was suggested that the commission could look at up a number of model entries or review a number of permits. It was pointed out that the former was more feasible. It was also suggested that a baseline amount could be established over which it would be considered unreasonable. Mention of rent or lease amounts and tax returns as a basis was discussed. It was stated that the Commissioners did not want to be put in the position of being a financial analysts, and it made more sense for the appellant to present figures on why they felt it was an unreasonable cost and the commission would agree or disagree. The commission seemed favorable to the idea that the burden was on the appellant to make their case however they saw fit. Additional discussion was held regarding possible amortization of the costs over a 5 to 6 year period and how that would work. It was discussed that the applicant would be required to provide alternate methods of compliance and that this would not offer any type of safe harbor.

Commissioner Park suggested that the Commission hold a public meeting at which a number of entries could be looked at and reviewed by CASps and others and various alternate methods ideas could be vetted.

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

Commissioner Park asked a few questions regarding the task force meetings and asked why the agenda has not changed. He specifically asked about the data base and why the zip codes were not included. He also asked about outreach. The Secretary informed him that the Secretary was not involved in outreach and did not know where it stood. The Secretary informed Commissioner Park that Deputy Director Madjus was in charge of outreach.

8. ADJOURNMENT: (ACTION)

The meeting was adjourned at 3:10 P.M.

Thank you,



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