



**ACCESS APPEALS COMMISSION
MINUTES**

Regular Meeting Wednesday, February 22, 2017

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by President Alyce Brown at 1:08 P.M.

COMMISSION MEMBERS PRESENT:

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

CITY REPRESENTATIVES:

Mr. Rick Halloran, Secretary
Ms. Betty Lee, Recording Secretary
Ms. Elaine Warren, Deputy City Attorney

2. PUBLIC COMMENT:

(DISCUSSION)

No public comment.

3. REVIEW AND APPROVAL OF MINUTES:

(ACTION)

The minutes for the November 9, 2016 meeting were approved unanimously.

4. REVIEW OF COMMUNICATION ITEMS:

(DISCUSSION)

- a) The Lighthouse for the Blind invites the Commission to attend their March 8th and 9th event.
- b) Secretary Halloran provided an update on the vacant Commissioner seat. There were 2 candidates who were being considered, but after review with the Ethics Commission, neither can take the position. There is another applicant who lives outside the boundaries of the City of San Francisco. He is a person with a disability and a Certified Access Specialist (CASp). Secretary Halloran will make a suggestion to the Secretary of Building Inspection Commission (BIC) to move forward with this candidate.

5. UPDATE ON ORDINANCE NO. 51-16, MANDATORY DISABILITY ACCESS IMPROVEMENTS AND REQUEST FOR DEPARTMENT TO ADDRESS THE COMMISSION: (DISCUSSION & POSSIBLE ACTION)

Secretary Halloran presented the draft information sheet, checklist, technical specifications, and prescreening/exemption form. These documents were approved by the task force and pending review by the City Attorney. The task force is currently working on the Manual.

The request for the Department to address this Commission, it is on hold. Secretary Halloran and Commissioner Lerner had expressed to Supervisor Tang's Aide their concerns regarding staffing for the program and was told that the Supervisor would like to meet with the Director first.

Secretary Halloran presented the 2016/2017 Technical Services Division's approved budget to the Commission. The following positions were included in the budget of the Department of Building Inspection (DBI) for anticipated increase in staffing required for the Mandatory Disabled Access Improvement Ordinance:

- 6321 Permit Technician
- 6631 Building Inspectors (2 vacant)
- 5207 Associate Engineer

There has been no hires to date. The Secretary informed the Commission that Recording Secretary Lee was granted a promotion and will be transferred another division. She will no longer be involved in working on the Ordinance or the Commission. The Secretary further reported that two other Department CASp expressed concern about having to review and inspect up to 20,000 prospective properties without additional help. Every technical infeasibility and unreasonable hardship will require inspections by a CASp. A letter will be written to the Director regarding their concerns and needs for implementing the program.

President Brown inquired as to whether any reasons were given by the Department. To date no were given.

Commissioner Lerner requested a letter of invitation be sent to the Director to attend the next meeting to address staff cuts, and hiring. The Commissioners discussed who else should be included in the invitation.

Commissioner Lerner made a motion for President Brown to write a letter representing Access Appeals Commission requesting a joint meeting with the Small Business Commission to discuss the process and implementation of Ordinance No. 51-16. The letter will invite Director of DBI, President of BIC, President of BOS, Supervisor Tang, and any groups President Brown deems appropriate. Commissioner Ellsworth seconded the motion.

**President Brown - Yes
Commissioner Lerner - Yes
Commissioner Ellsworth - Yes**

Motion was approved.

6. AMENDMENTS TO THE RULES OF THE COMMISSION (BYLAWS):

(DISCUSSION)

Secretary Halloran discussed revising the bylaws to facilitate the additional AAC given by Ordinance 51-16. The list of duties includes:

1. Appeals / ratifications
2. Time Extensions
3. Equivalent Facilitations
4. Technical Infeasibilities
5. Unreasonable Hardships

He suggested that procedure and timeframe for appeals should remain the same. He asked the Commissioners to consider the cost, documents required, lead time, and details of how the hearings should be structured and presented for the other duties.

City Attorney Warren clarified that the amount of cost is not a bylaw issue, but is determined by the Ordinance. Time extensions may be charged an administrative fee to compensate the Department for the cost of the services necessary to implement and enforce the program. Secretary Halloran said information about fees will be included in the guidance manual rather than the bylaws.

President Brown asked whether we can have specific reasons to grant time extension. Ms. Warren said the Ordinance contains language regarding written request and good cause for extension, therefore the bylaws can reference the Ordinance.

Secretary Halloran asked about the lead time Commissioners needed for review. Commissioners Ellsworth and Lerner said 1 week prior to the AAC meeting for time extensions. Secretary Halloran suggested equivalent facilitation and technical infeasibility to be the same lead time as an appeal and will require documentations. Ms. Warren said it will be helpful for Department to suggest the type of documentations required for each task.

Secretary Halloran said that unreasonable hardship is covered by ratification or an appeal. He clarified that for unreasonable hardship under the program, we will not be able to compare the cost of construction as a whole and the cost of accessibility upgrade.

President Brown expressed concerns about the landlord and tenant. Ms. Warren said that the Ordinance only addresses the main entrance to the building and holds the owner responsible. The only time tenant is involved is when the lease says it is the tenant's responsibilities to comply with the Ordinance. Ms. Warren advised Commissioners to follow what the Ordinance says.

Ms. Warren will draft proposed changes to bylaws for the next meeting.

7. COMMISSIONERS AND STAFF QUESTIONS AND COMMENTS:

(DISCUSSION)

Commissioner Ellsworth asked about the status of Commissioner Park. Secretary Halloran said Commissioner Park had an operation and is trying to recover. Commissioner Lerner said his last exchange with Commissioner Park was January 18th. President Brown suggested a get well card be sent to Commissioner Park.

8. ADJOURNMENT:

(ACTION)

The meeting was adjourned at 2:18 P.M.

Thank you,



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

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