



ACCESS APPEALS COMMISSION

MINUTES *approved 6/10/2015*

Regular Meeting Wednesday, April 22, 2015

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by President Walter Park at 1:04 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Walter Park, President
Mr. Arnie Lerner, Vice-President
Mr. William Ellsworth
Dr. Ronald Vernali
Ms. Alyce G. Brown

CITY REPRESENTATIVES:

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

2. ELECTION OF COMMISSION OFFICERS: PRESIDENT AND VICE PRESIDENT (ACTION)

Motion for nomination of President Lerner and Vice-President Ellsworth.
Seconded and approved.

3. REVIEW AND APPROVAL OF MINUTES: (ACTION)

The minutes for the June 25, 2014 meeting were approved unanimously.

4. REVIEW OF COMMUNICATION ITEMS: (DISCUSSION)

1. Angela Jemmott, Director of the California Commission on Disabilities contacted Secretary regarding the unveiling of the CCDA Accessibility Checklist in San Francisco. DBI Director and Subcommittee suggested to have unveiling through the AAC. Ceremonial event to be scheduled on June 24, 2015. Commissioner Park asked Secretary to forward copy of checklist to the Commission.
2. Code updates distributed to the Commission.

3. Congratulations to President Lerner on AIA Fellowship.
4. Congratulations to Deputy City Attorney Warren for her new granddaughter.
5. DBI is having Brown Bags on accessibility every Thursday.

5. DISCUSSION OF THE LATEST DRAFT OF THE TANG LEGISLATION AND ITS POSSIBLE INVOLVEMENT OF THE COMMISSION. (DISCUSSION)

Judy Boyajian, City Attorney, presented the latest draft Ordinance. The purpose and outline remained the same – all places of public accommodations in San Francisco will have at least a minimum level of accessibility to the primary entrance and a path of travel into the building. There is an exemption for buildings that were constructed/site permits filed on or after January 1, 2002, and have CFC. Buildings will be separated into 4 categories through a maximum 6-year program for compliance. Buildings will do an inspection and follow checklist to determine the level of accessibility based on the 1998 standards. Building officials can grant one 6-month extension.

The role of the Commission is to grant additional time, develop standards and guidelines, and review cases. The Commission is to develop standards and guidelines on what is technical infeasible, equivalent facilitation, and unreasonable hardships.

Access Compliance Unit will be developed to enforce the Ordinance. This will be a multi-agency unit to include: DBI, DPW, Planning, Historic, and a CASp inspector. Unit will provide guidance, training, and assistance to inspectors and plan review staff.

The Ordinance will encourage voluntary improvements. By upgrading the primary entrance and any voluntary improvements, following the priority of building code, building owners can use the amount of money in future projects for up to 3 years.

President Lerner expressed a new proposed State Legislation for landlord to provide CASp reports to potential tenants.

Issues of drive by law suits, restrooms upgrade, putting responsibility on the building owners, administration fees for the program, staffing in DBI, and reviewing past AAC case decisions to formulate equivalency were discussed.

Secretary clarified 9,000 – 15,000 buildings may be subject to the Ordinance. Categories will determine the different time limits for compliance. Four categories as followed:

1. Buildings already in compliance.
2. Buildings with no steps, but don't have accessible entry due to strike side clearance, non-leveled landings, improper hardware, door opening force, etc.
3. Buildings with one or fewer steps
4. Buildings with two or more steps

President Lerner asked if the Ordinance has any signage requirement to put up in store front to indicate it met the requirement of the Ordinance.

Commissioner Brown asked how the Ordinance affects businesses converting to living quarters like Airbnb. There are numbers of conversion happening and also number of lawsuits. If constructed prior to 1991, exempt from accessibility.

Commissioner Ellsworth asked how building owners will be notified. Ms. Boyajian replied through public outreach to inform owners of obligation. There is no provision for Administrative Bulletin; there will be an Information Sheet. The Ordinance allows Department to have direct guidance from the Commission.

There is no announcement date set for the Ordinance.

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

The Commission will consider revisiting the bylaws to make the requirement for a court reporter optional and allow an appellant to arrange and pay for a court reporter if so desired. This is proposed in order to allow for the large number of meetings that may be required under future legislation without incurring excessive fees. One other minor change is also proposed to make the ordering of items on agendas consistent with the bylaws.

Elaine Warren, Deputy City Attorney, explained that there is no legal requirement for a court reporter in the appeal hearing process. Court reporter tradition is to have a certified transcript. Today, City's standard practice has replaced court reporters with tape/digital recordings. Secretary explained the current cost of a court reporter is \$900 without transcript and \$2500 with transcript. If hearings do take place, an increase in \$250 fee per appellant is needed to cover Department's cost. Digital recordings are provided for free. Cost of SFGTV is \$1250 for a 3-hr meeting. There is no set budget for AAC, due to vary in cost, Department pays for it. Bylaws Draft also allows an appellant to arrange and pay for a court reporter if so desired and AAC can waive fees.

Commissioner Park commented that SFGTV can be educational, but there had not been any cases in two years. Suggested to revisit SFGTV.

Discussion of the order of meeting for public comment, so agenda and bylaws are consistent. Commissioner Park expressed having public comment at the beginning. Commissioner Brown and Ellsworth suggested to place public comment after the roll call in the agenda.

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

January 22, 2014 drafted minutes were distributed, but not voted upon due to noticing requirements, to be adopted in next regular meeting.

Review the order of President and Vice-President seats.

Commissioner Park asked for clarification of whether ground floor in-law units were required to be accessible in existing dwellings

Discussion on how live/work unit triggers accessibility. Occupancy, alteration, existing building 20% hardship need to be considered. State Architect is reviewing this issue, but there is some obligation to for accessibility.

Introducing Recording Secretary Betty Lee.

8. PUBLIC COMMENT:

(DISCUSSION)

There was none.

9. ADJOURNMENT:

(ACTION)

The meeting was 3:00PM

Thank you,



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