



ACCESS APPEALS COMMISSION

MINUTES

Regular Meeting Wednesday, June 23, 2010

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by President Lerner at 1:07 P.M.

COMMISSION MEMBERS PRESENT:

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

CITY REPRESENTATIVES:

Ms. Elaine Warren, Deputy City Attorney
Mr. Rick Halloran, Secretary
Ms. Nancy Curvino, Recording Secretary

2. REVIEW AND APPROVAL OF MINUTES

None reviewed

3. REVIEW OF COMMUNICATIONS ITEMS:

- President Lerner read a communication from the Board of Supervisors expressing condolences for the passing of Commissioner August Longo. The Commission held a moment of silence in Mr. Longo's memory.
- The Secretary informed the Commission that he had been informed by the Secretary to the BIC that commissioner Vernali's health was in question. He stated that he would find out if Commissioner Vernali would be able to serve on the Commission in the future.
- The Secretary introduced an email from MR. John Rodriguez representing Schindler Elevator Company inquiring as to the status of AAC decision 06-04 (ratifying a destination based elevator control system at four locations) and inquiring as to what steps need to be taken to keep the decision current. Some discussion was held and Mr. Rodriguez was directed to place this matter on the next agenda as a consent calendar item.

4. CONSENT CALENDAR APPEAL No. 10-04 (No. 07-01)

221 Main Street

The Commission heard this appeal for the re-ratification of a hardship granted for the lack of the required 8'2" clearance required for high top van parking at the garage. After discussion and direction to the Secretary to physically verify the contract with an alternate off site parking garage, the request was ratified unanimously.

6. CONSENT CALENDAR APPEAL No. 10-03 (07-07 & 03-04) 1275 MARKET STREET

This was a request for re-ratification of a hardship granted originally (03-04) for the lack of the required 8'2" high top van clearance and for the path of travel from accessible parking spaces that require travel behind parked cars other than the person with the disability. The re-ratification of the original appeal (No. 07-07) appears to be for the path of travel only, but no mention in the decision was made as to the status of the parking garage. The secretary was unsure as to whether the garage height issue had been resolved by permit. The case was postponed until the next meeting with instructions to clarify the issue of the garage height.

7. DISCUSSION AND POSSIBLE ACTION ON VARIOUS ADMINISTRATIVE MATTERS:

7.1 BY-LAWS AMENDMENT. CO-SIGNATURE ON NOTICES OF DECISION BY BOARD PRESIDENT.

Mr. Walter Park presented a proposed amendment to Rule 8 (d). Discussion was held on the desirability of the President to review decisions prior to the decision being sent to the appellant or made publicly available. Discussion was held and questions asked of the Deputy City Attorney regarding the precise language that should be used to reflect the fact that the decisions are approved by resolution. The deputy City Attorney proposed some modifications to the language of the amendment and the question was called by Commissioner Park. The motion was made to adopt the following amendment to Rule 8 (d) of the Access Appeal Commission by-laws:

“The resolution of the decision must be signed by the Commission Secretary and approved in writing by the Commission President. A draft resolution shall be sent by the Commission Secretary to the Commission President, who will have up to three business days after receipt to approve in writing. To avoid delay of City business, any draft resolution to which the President does not respond within four business days may be deemed approved and may be published by the Secretary.”

The motion passed by a vote of 4 to 0.

Mr. Walter Park presented a proposed amendment to Rule 8 (g); (a new rule). He also presented a proposed changed to Rule 5 (c) a new section. (Agenda item 7.2) After lengthy discussion about electronic submittals it was agreed that item 7.2 regarding electronic submittals of appeals packets be tabled until the next meeting and steps be taken by the Secretary to insure that BOMA and the local AIA be advised that these changes are being proposed.

A motion was made to adopt the proposed Rule (g) as follows:

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“(g) Publication. Meeting notices and agendas, meeting minutes and resolutions of decision are public documents. Each shall be published in a timely manner on the Building Department's public web site. Meeting notices shall be posted to the web site at least five business days before each meeting. Meeting minutes shall be posted within 15 business days after each meeting. Resolutions of decision shall be posted to the web site within 10 business days after final publication.”

The motion passed 4-0

8. COMMISSIONERS’ AND STAFF’S QUESTIONS AND COMMENTS:
(This item was heard out of order after item 9 before item 4)

Discussion was held on what the by-laws proscribe and how to properly conduct a consent calendar hearing.

9. PUBLIC COMMENT:
(This item was heard out of order after item 3)

Mr. John Rodriguez asked the commission how to address the matter of re-ratification of old appeals regarding destination based elevator systems. After discussion Mr. Rodriguez was instructed to place this item on the next consent calendar.

10. ADJOURNMENT:

The meeting was adjourned at 3:07p.m.

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

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