



# **ACCESS APPEALS COMMISSION--DRAFT**

## **MINUTES**

### **Regular Meeting Wednesday, August 11, 2010**

#### **1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order by President Lerner at 1:15 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**

The minutes from June 23, 2010 were adopted with inclusion of the vote on the by-law amendments.

#### **3. REVIEW OF COMMUNICATIONS ITEMS:**

The Secretary informed the Commission that he had received a copy of the agreement for off site van parking for 211 Main Street (AAC # 10-04).

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.

#### **4. CONSENT CALENDAR APPEAL No. 10-05 (No. 06-04) 1 CALIFORNIA STREET 333 BUSH STREET; 333 MARKET STREET; 650 CALIFORNIA STREET**

Commissioner Walter Park asked that this item be taken off the consent calendar. Jonathan Rodriquez, representing Schindler Elevator Company agreed to have this heard as an appeal this date. In response to questions by Commissioner Park, Mr. Rodriquez provided a list of similar systems installed in San Francisco and outline both generally and specifically elements of these systems that do not conform with the approved AB-090. Commissioner Brown stated that she believed that these systems should be upgraded when they reach the sunset date. Mr. Rodriquez stated that upgrading these systems is a major undertaking would incur great expense. He also stated that even the earliest systems are now compliant with the federal regulations. He also iterated

that the co-operation of the elevator companies gave to the Commission in the development of the AB-090 was based on the idea that it would be forward inclusive and not retroactive. Commissioner Brown stated that the Commission must protect the rights of the community of disabled persons and because there is now a better code and because there is new technology she feels these systems should be upgraded. She spoke about how new earthquake laws are enforced. Mr. Rodriguez complimented the Commission on its history of protecting the rights of persons with disabilities but he asked her to consider the potential consequences of "changing course" in what was communicated to the elevator industry during the AB development. He pointed out that Code changes are predominately not retro-active. Commissioner Park stated that the AB development process was "forward looking" and that these four were the least flexible systems install. He also commented that there was a great change for the better in the elevator industries approach to the matter of accessibility. Commissioner Lerner stated that this was an evolutionary process, that the first four systems may only be able to meet the national standards, but he would like to see some effort to address readily achievable upgrades for the next systems. Commissioner Ellsworth stated that he felt it would be reasonable to approve these four systems with the understanding that future appeals should address any reasonable upgrades. Ms. Martino of Otis elevator expressed concerns about the possible financial impact to the elevator companies and stated that she did not remember any discussion of retroactivity. Commissioner Park made a motion to approved appeal 01-05 and called the question.

**The motion was approved by a vote of 4-0**

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

This case was postponed from the last hearing until this meeting in order to clarify the issue of the 8'2" garage height. The secretary informed the Commission that a permit had been issued and completed for the raising of the structural beam in question to a height of 8'2". The Secretary stated that he had inspected the garage and the beam had been raised and that all other conditions remained the same. The only remaining issue was that of a path of travel from accessible parking spaces that went behind other vehicles. A motion was made by Commissioner Brown to re-ratify the hardship.

**The motion was approved by a vote of 4-0.**

**6. DISCUSSION AND POSSIBLE ACTION ON VARIOUS ADMINISTRATIVE MATTERS:**

**BY-LAWS AMENDMENT. REQUIREMENTS FOR ELECTRONIC SUBMISSION OF PORTIONS OF ACCESS APPEALS PACKET.** Mr. Walter Park presented a draft amendment to the bylaws regarding the electronic submission of appeals packets. This item had been continued from the previous meeting. In response to notification from the Secretary that Mr. Skip Soskin of Huntsman Architects had requested that this matter be held over until BOMA had a chance to review the proposal, Mr. Park withdrew the item from the calendar, requesting it be placed on the calendar for the next meeting.

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**7. COMMISSIONERS' AND STAFF'S QUESTIONS AND COMMENTS:**

**(This item was heard out of order after item 9 before item 4)**

Discussion was held on recently adopted bylaw amendment to Rule 8 (g) and how the language should perhaps include the words "approved" minutes. After a short discussion of the problem, it was recommended that this item be placed on the next agenda for review. Deputy City Attorney Elaine Warren asked the Commission a question regarding preferred formatting of the proposed draft amendments for the next meeting.

**8. PUBLIC COMMENT:**

There was no public comment.

**9. ADJOURNMENT:**

The meeting was adjourned at 3:18p.m.

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

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