



# **ACCESS APPEALS COMMISSION--DRAFT**

## **MINUTES**

### **Regular Meeting Wednesday, August 25, 2010**

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

The meeting was called to order by President Lerner at 1:20 P.M.

##### **COMMISSION MEMBERS PRESENT:**

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

##### **CITY REPRESENTATIVES:**

Mr. Rick Halloran, Secretary  
Ms. Nancy Curvino, Recording Secretary

#### **2. REVIEW AND APPROVAL OF MINUTES**

No Minutes were submitted.

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

- The Secretary informed the Commission that he had received an email from Deputy City Attorney Elaine Warren stating that she would not be able to attend this meeting and that she felt that since there were no appeals being heard legal council was not required.
- The Secretary informed the Commission that he had received an email from Mr. Ken Cleaveland of BOMA stating that he had reviewed the proposed changes to the bylaws and did not see anything of major significance or anything problematic.

#### **4. DISCUSSION AND POSSIBLE ACTION ON VARIOUS ADMINISTRATIVE MATTERS:**

The commission discussed a proposed amendment to Rule 5 (new section C). After much discussion, Commissioner Park made a motion that the proposed amendments be adopted as modified. The modified changes read as follows:

“(c) Electronic Submission of Access Appeals Documentation

1. Written Documentation of Appeal. The Commission requires an appeal package with eight items as specified in its Information Guide, updated from time to time. The current, November 14, 2007 Guide states that:

"Each appeal package must include items 1 through 8 in the order noted below. Failure to include this documentation may result in an appeal being rejected for incompleteness. (Note: indent below items 1-8 to differentiate from items C1, C2 )

1. Cover sheet with building identification and contact information.
2. Completed Notice of Appeal form.
3. Copy of front and back of permit application.
4. Unreasonable Hardship Request (UHR) form.
5. Copies of Department of Building Inspection correspondence and email.
6. Written narrative, explaining basis of appeal.
7. Verification of purported costs of compliance.
- \*8. Relevant plans, 11 x 17 maximum size."

2. Electronic Documentation of Appeal. In addition to written submittals, effective for appeals submitted 60 days after the adoption of this language, Appeal Packet Items 1, 2, 4 and 6 shall be submitted to the Department representative as one or more electronic document text files. Items 3, 5, and 7 may be submitted as document text files or may be scanned from original documents and submitted as tagged Portable Document Format (.pdf) files. \*Although preferred, it is not required that Item 8, Relevant Plans, be submitted in electronic form.

It is the responsibility of appellant to make sure that all electronic files are together, and to confirm their receipt by the Department. The Department shall specify which commonly used file formats and media formats can currently be accepted.

Where it presents an undue hardship, the Secretary may, at his or her discretion, waive the requirements for electronic submission of documents."

**The motion passed by a vote of 4 to 0.**

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Commissioner Park spoke about the time lines presented in the bylaws and how the commission and staff have not always followed these. He stated that these timelines should be followed or the bylaws should be amended. He recommended no action be taken at this time.

The commission then discussed changing the recently adopted bylaw section Rule 8 (g) in order to clarify the difference between draft and adopted minutes. After discussion and questions to staff, Commissioner Park made a motion to amend Rule 8 (g) as follows:

“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.~~ A copy of the draft minutes shall be sent to the Commissioners within 13 days of the meeting. Minutes shall be posted to the web within 5 days of approval. Resolutions of decision shall be posted to the web site within 10 business days after final publication.”

**The motion passed by a vote of 4-0**

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

Discussion was held on possibly amending the bylaws in the future to address chronic absenteeism by a commissioner. It was recommended that language from the by-laws of the Mayor's disability Council be reviewed.

Commissioner Lerner stated that the Code Advisory Commission would be reviewing all of the administrative bulletins in the near future and that this Commission would probably be asked to comment on the ABs effecting disability. He advised that the Commissioners read up on the Abs.

**6. PUBLIC COMMENT:**  
**There was no public comment**

**7. ADJOURNMENT:**  
The meeting was adjourned at 3:27p.m.

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**Richard Halloran, Senior Building Inspector**

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Department of Building Inspection  
Secretary to the Access Appeals Commission

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