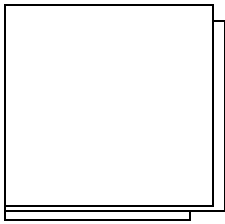


Access Appeals Commission Hearing: January 8, 2003



DEPARTMENT OF BUILDING INSPECTION
City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ACCESS APPEALS COMMISSION

MINUTES

Wednesday, January 8, 2003

1:00 P.M.

City Hall

1 Dr. Carlton B. Goodlett Way, Room 416

1. CALL TO ORDER AND ROLL CALL

The meeting of the Access Appeals Commission was called to order by President Brown at 1:05 PM.

COMMISSION MEMBERS PRESENT: Ms. Alyce G. Brown, President
Ms. Roslyn Baltimore, Vice-President
Mr. Francis K. Chatillon
Ms. Enid Lim
Mr. Linton Stables III

COMMISSION MEMBERS ABSENT: None

CITY REPRESENTATIVES: Mr. Rafael Torres-Gil, DBI, Acting Secretary
Ms. Judy Boyajian, City Attorney
Ms. Susan Pangilinan, DBI, Recording Secretary
Ms. Doris M. Levine, Reporter

2. PUBLIC COMMENT: None

3. APPROVAL OF MINUTES:

Commissioner Stables made a motion to approve the minutes with corrections as noted by President Brown.

Minutes approved unanimously

4. REVIEW OF COMMUNICATION ITEMS:

a) Brown Bag Lunch talks

President Brown indicated that she finds them very helpful and hopes that the Small Business Commission is contacted so its members are notified to attend and its member become familiar with

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access codes.

Vice President Baltimore indicated that the President of the Small Business Commission is Steve Cornel and she thinks he would be very amenable.

President Brown further indicated that she was contacted by the SBC and that they want more knowledge of the codes.

Commissioner Chatillon asked how small businesses were defined by way of the topic 'Disabled Access for Small Businesses'?

Rafael Torres-Gil responded indicating that it was practically any retail store in SF and that the training was intended to address entries and DA requirements highlighted by a series of lawsuits. The Independent Living Resource Center and others are proposing a similar form of presentation. It is intended to cover corporate, small retail, restaurants and others put in the same dilemma regarding the violations that have triggered recent lawsuits.

President Brown elaborated on the current lawsuits against businesses.

Rafael Torres-Gil indicated that he has reviewed all the lawsuits based on the complaints filed with DAS and asked that if anyone had any questions regarding the particulars or scope of the complaints he can provide details in that regard.

President Brown asked who was filing the lawsuits and Mr. Torres-Gil indicated that recent ones were filed by Ted Omholt, an attorney and that there are other attorney's filing lawsuits for the benefit of the disabled community, in Napa/Sonoma, SF and other parts of the country. Mr. Omholt is not unique in what he does and that it is a general legal tactic throughout the country.

President Brown asked if there were other topics helpful to the AAC. Mr. Torres-Gil indicated 'The Permit Process' and 'Inspections During Construction'. President Brown indicated that she found the Brown Bag Meetings very helpful and encouraged the commissioners to attend as many as possible.

Vice President Baltimore asked if the attendance of the meetings by all the commissioners would be a problem.

(Ms. Boyajian comments were not captured on tape) but the general impression was that it would not constitute a violation of the Sunshine Ordinance.

5. DISCUSSION OF VARIOUS AAC/DBI TOPICS:**a) Training Topics**

President Brown inquired about training for residential disabled access.

Mr. Torres-Gil indicated that it was Mr. Ruiz's intent to coordinate that training with Mr. Whipple and that he is presenting that training as soon as it can be coordinated. It is also the intent to schedule quarterly training and to get input from the commissioners.

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Commissioner Lim inquired and expressed concerns about getting training on the Historical Building Code especially in light of the concerns in Chinatown about the lack of knowledge about appeals.

Vice President Baltimore said that it was a good idea and that in the past they did outreach to the Chinatown community and wondered if it was appropriate to do that again. Lifts were another topic interest and visiting facilities outside of City Hall.

Mr. Torres-Gil indicated that DBI disseminates information related to disabled access issues and asked whether that type of information should also be forwarded to the commissioners.

Ms. Boyajian researched the Sunshine Ordinance and indicated that attendance at the Brown Bag meetings was not a violation so long as AAC business is not discussed.

b) Outreach

President Brown inquired about the lack of outreach to the disabled community.

Commissioner Stables stated that the lack of attendance does not necessarily mean that they are not interested but that they maybe confident about the work that is being done by the commission.

President Brown indicated that when the disabled do attend it provides greater insight and education into access issues.

Vice President Baltimore asked if the president could perform outreach and determine what organizations are out there and said that organizations would be more interested in training that involved going into a building instead of lectures.

A general discussion ensued regarding outreach issues, organizations, people on the AAC mailing list, familiarity of the community with the minutes and agenda, paratransit availability for the disabled, the confidence that some individuals have in the work of the commissioners, the interest reflected by the community when issues of interest arise, the sparse attendance at some meetings related to seismic work, the need to notify more of the disabled organizations in order that they notify their membership of AAC meetings and the need to contact seniors citizen groups.

Mr. Torres-Gil identified two related changes to the agenda – the contact number for inclusion onto the mailing list and the web site address.

c) 2001-2 AAC cases

President Brown asked if it was possible to note when the cases are completed.

Mr. Torres-Gil indicated that there are staff shortages and requested specific concerns at this time.

President Brown asked about the time line for compliance with the decisions.

Commissioner Stables and Ms. Boyajian elaborated on the time lines associated with permit

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and abatement cases.

Mr. Torres-Gil indicated that the case for 899 Howard was awaiting City Attorney referral for lack of compliance and there were approximately 30 cases in the backlog. It is a priority to get the Disabled Access Section fully staffed.

Commissioner Chatillon expanded on the difficulty with hiring at the moment.

Mr. Torres-Gil elaborated on the staffing situation in DBI and the Director's priority to assign more staff to DAS.

Commissioner Stables indicated that the AAC has no responsibility for enforcement at all and has no ability to do anything about follow-up with the decision.

President Brown spoke of the efforts to help the appellants and the frustration of the disabled community if nothing is done.

Vice President Baltimore noted that the AAC appears to have some ability to redefine what it does.

Ms. Boyajian said it would not be possible to change the AAC powers.

President Brown said that the reason she brought it up was that if there is no follow-thru then people would not bring cases to the commission and if they do make accommodation for business, they should be done within a reasonable time.

Commissioner Chatillon said that he looks to Commissioner Stable's comments and that he does not see legal authority for enforcement of the decisions.

Mr. Torres-Gil elaborated on the two basic forms of decisions - voluntary upgrades of property and Order of Abatements inspired decisions. He also emphasized the DAS backlog of enforcement cases.

d) Mailing List

President Brown commented on the prior discussion.

Mr. Torres-Gil commented on the inclusion on the list of past appellants and the need for the list to be voluntary.

6. COMMISSIONERS' AND STAFF'S QUESTIONS AND COMMENTS:

Vice President Baltimore said she would like to thank the department for the mugs.

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7. PUBLIC COMMENT:

President Brown introduced her husband, Leonard Brown.

The meeting was adjourned at 2:00 PM

Rafael Torres-Gil, Senior Building Inspector
Department of Building Inspection
Acting Secretary to the Access Appeals Commission