



**DEPARTMENT OF BUILDING INSPECTION**

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**City & County of San Francisco  
1660 Mission Street, San Francisco, California 94103-2414**

**ACCESS APPEALS COMMISSION**

**MINUTES**

**Regular Meeting**

**Wednesday, January 26, 2005**

**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 Lim at 1:05 P.M.

**COMMISSION MEMBERS PRESENT:**

Ms. Enid Lim, President  
Mr. Francis K. Chatillon, Vice-President  
Ms. Roslyn Baltimore  
Ms. Alyce G. Brown

**COMMISSION MEMBERS ABSENT:**

None

**CITY REPRESENTATIVES:**

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

**2. PUBLIC COMMENT:**

None

**3. APPROVAL OF MINUTES**

Minutes for December 8, 2004 were approved as submitted.

**4. REVIEW OF COMMUNICATION ITEMS**

No items were submitted.

**Access Appeals Commission Hearing: January 26, 2005****5. CONTINUED APPEAL:****a) Appeal No. 04-03 (2004/10/28/7962) 111 Sutter Street**

Mr. Torres-Gil presented an update on the status of the appeal.

Commissioner Baltimore asked Ms Boyajian if the letters sufficed due to not indicating that they were from 'groups'.

Ms. Boyajian stated that it was up to the commission if they want to accept them but the commission did state at the last meeting that it could not be just individuals representing themselves. She referenced an administration bulletin that addressed this issue.

Mr. Torres-Gil indicated that he was not aware of the bulletin but would try and locate it.

Commissioner Brown asked if it was the responsibility of the commission to contact the representative groups.

Ms. Boyajian stated that it was the responsibility of the appellant.

Commissioner Brown indicated that she was disappointed by what was received today because it really does not cover what was asked for in the last meeting. She would like to see a lot more. The question she had at the last meeting was related to the time it took the security guard to get to the door and dismantle it (10 seconds). 10 seconds is a very short time and she would like that documented.

Kathy Wells, with Ellis Partners, owners of the building stated that they did take into consideration the request to obtain support from local groups. They called the Center for Independent Living who indicated they were too busy and could not come over. They also called the Mayor's office and had not received a call back. They took it upon themselves to get support from other persons who were wheelchair bound. One person is a tenant in the building and uses the door every day. The other, called Paul Church was referred to them by Spencer Gosch, a plan checker. Paul Church apparently works at the planning department in Berkeley. He did come over and did write the letter.

Vice-President Chatillon asked Ms. Wells how he was found and asked if he was paid and how much.

Ms. Wells indicated that he hadn't been paid but had requested a two hundred dollar payment.

Vice-President Chatillon asked how often there is training for accessibility issues.

Ms. Well said that it is as-needed – as part of the hiring process and ongoing probably bi-weekly. They have to do a certain amount of maintenance on the doors to keep them operable so they will collapse in the fashion that they were designed.

Mr. Torres-Gil referenced the Administrative Bulletin on Application of Disabled Access Provisions to Historic Buildings (AB-13). What it does not do is address how to define the 'opinions and comments of representative local groups of persons with disabilities.

Commissioner Baltimore indicated that Mr. Church used to attend commission meetings and that her concern is that they are writing as individuals and not as representatives of groups. She asked Ms. Boyajian if a list is supposed to be maintained by the Building Department.

Ms. Boyajian asked if it was a list of groups or individuals.

**Access Appeals Commission Hearing: January 26, 2005**

Commissioner Baltimore clarified her question to ask if the bulletin meant the Department of Building Inspection of the Commission.

Ms. Boyajian said the bulletin does not bind the commission but thought it might be instructive as to how to proceed from here.

Vice-President Chatillon asked who they spoke to in the Mayor's Office of Disability.

Aston Pererra identified Jim Whipple, who said that he is only involved in Public Works projects not private projects; and M. Roberts from the Center for Independent Living who said they could not do it because they were understaffed and under funded. Neil Friedman from DBI recommended L. Kornfield who recommended that they call John Scott (new Deputy Director at the Mayor's Office of Disability who called back two weeks later. He could not contact him on a call back. John Scott said he would try to get him assistance from the Center for Independent Living.

Kathy Wells indicated that they were here today to verify that they had received two letters of support from two people in wheelchairs, one accustomed to code issues - Mr. Church. She feels they have made a strong effort in supplying the documentation and support that the commission needs. She would really appreciate the commission considering the effort they put forth.

Mr. Torres-Gil asked if they had the resume for Mr. Church or Ms. Garrity. He was aware that Mr. Church has an extensive resume related to disabled groups and organizations.

Mr. Pererra elaborated on the scope of Mr. Church's observation of the door opening process.

Commissioner Baltimore confirmed Mr. Church's resume with an understanding that his resume be put in the file. She doesn't know any thing about the other person and that should be there as well.

Commissioner Brown was concerned about who Mr. Church represents.

Mr. Pererra said he was the Director of Disability Compliance with the Department of Public Works – City of Berkeley.

Commissioner Brown said she would be a little happier if somehow the commission could time the (door operation) or have a video of its operation. She cannot believe it is ten seconds.

Mr. Pererra referenced the State Historical Board document that referenced the 10 seconds.

Commissioner Brown would feel more comfortable with having that timed because the other day she had to use the lift at a hospital and she had to call for 15-20 minutes and it was raining.

Ms. Wells elaborated on the location of the guard and the process for activation of the door opening. He said that it seems incredulous to think that it happens in 10 seconds but the process begins within 10 seconds and then the doors collapse and the person is given access.

Commissioner Brown asked what the total time is to get in?

Ms. Wells said it may be 10-15 seconds, she did not time it, but it was not her understanding that the person was to put that in the letter. The objective was to get support from local groups. It is a relatively short period of time.

**Access Appeals Commission Hearing: January 26, 2005**

Commissioner Baltimore said she would like to see this approved today but if they cannot, they can schedule a site visit where we can vote on it. She is ready to vote.

Vice-President Chatillon said he could vote on it today but depending on what the other commissioners say he would like to see someone from the community who's not paid, but at this point he would defer to his peers.

Mr. Perrera indicated that they had contacted the Center for Independent Living but with funding cut back, it is hard to get someone to do something like this.

Commissioner Vice-President Chatillon said that he could probably get Ed Evans for no charge.

**Commissioner Baltimore made the motion that they grant with the condition that the resumes of the two people who had submitted letters be attached to the letters and with an understanding that the time (for opening of the doors) be 10 seconds or less for the start of the process.**

**Vote on the Motion by Commissioner Baltimore:**

<b>Vice President Chatillon</b>	<b>No</b>
<b>Commissioner Brown</b>	<b>No</b>
<b>Commissioner Baltimore</b>	<b>Yes</b>
<b>President Lim</b>	<b>Yes</b>

**The motion failed.**

Commissioner Brown said that she would like to see someone like Ed Evans verify the accessibility of the door and she would be happy to go and time it.

Commissioner Baltimore said that it seems to her that Commissioner Brown is requesting a site visit with Mr. Evans present.

Commissioner Brown said that she would accept anyone else who represented the disabled community. She would accept August Longo. These people don't get paid and they are very active in the disable community.

Commissioner Baltimore said that it had to be clear that they are requesting that these people not be paid and if they are contacted they shouldn't expect to be paid.

Commissioner Baltimore said that it is common for consultants to get paid.

Vice-President Chatillon said that Mr. Church is putting himself forth as a consultant and it should be reflected on the document he's putting forth. The reason he voted against the motion, though he does know Mr. Church also, is because his letter is not coming across as anyone that's a member of the community. There's no resume and he's a paid consultant. He's paid to say exactly what you want him to say. He appreciates a member of the community who can go and take a look at this and he is not opposed to a site visit that's needed, but the way things stand now he has not addressed Commissioner Brown's issue on the timing and he didn't address the commission's concerns, as a whole, regarding members of the community.

Commissioner Baltimore said they are obviously having trouble contacting people in the community and they are asking that they not be paid. If they decline because they have been paid in the past, can you give them substitute names?

Vice-President Chatillon said that he doesn't have a problem but he should say he's a paid consultant.

Mr. Perrera said the letter was sent directly to the commission and he (Mr. Church) wrote the whole letter

**Access Appeals Commission Hearing: January 26, 2005**

himself. They had no input into what to say at all. He was very impressed with the way the door collapsed.

Commissioner Baltimore said that the issue she was hearing, is that if someone is paid they are not going to be honest. She had never seen, in all her time here. Someone should say ‘this is my opinion and I was paid’. She asked the City Attorney if this was common.

Ms. Boyajian said it occurs but she has to agree that most people want to get paid for their time.

Vice-President Chatillon said he wanted it put in the document.

Ms. Lee Phillips, who sits on the Code Advisory Committee for Disabled Access, spoke to say that in her duties as an Architect she has had occasion to call on Paul Church, she has worked with him several times, for this kind of purpose. He does this sort of thing for her profession and does it for an honorarium, essentially a nominal fee for cab fare to get from the East Bay and back. It’s a little bit different than a paid consultant who gets thousands of dollars. From everything she’s knows about Paul and a few other people who have been mentioned, they really did this just for expenses – take the time off work and inspect the premises. It’s a great service and she deeply respects the fact that they are willing to do that.

**Commissioner Brown made a motion to continue the appeal until there was a site visit.**

The commissioner s discussed whether there would be a site visit involving all the commissioners.

Commissioner Baltimore said that if this is a major issue the whole commission should avail themselves of the same task. It should not be an individual thing and they can vote on it in the hallway. The whole commission should have the same information, which would be provided by a site visit.

General discussion ensued regarding honorariums, the site visit, contacting Ed Evans, August Longo, site limitations and giving a 15 day notice of the meeting.

**Motion restated by Mr. Torres-Gil - to continue the appeal to an onsite meeting on February 23<sup>rd</sup> at 1PM**

**Vote on the Motion by Commissioner Brown:**

<b>Vice President Chatillon</b>	<b>Yes</b>
<b>Commissioner Brown</b>	<b>Yes</b>
<b>Commissioner Baltimore</b>	<b>Yes</b>
<b>President Lim</b>	<b>Yes</b>

**The motion passed.**

**6. COMMISSIONERS AND STAFFS QUESTIONS AND COMMENTS:**

Mr. Torres-Gil informed the commission of Ms. Aherne’s comments regarding the vacancy on the AAC. It would be put forth to the nomination committee. There is a sole applicant for the vacancy.

Commissioner Brown asked that Mr. Torres-Gil to contact an elevator consultant for a presentation to the commission and to hold off until there is a fifth member.

Mr. Torres-Gil said that he is expecting an appeal to be filed any day.

Commissioner Brown asked about the committee that is rewriting the bulletin on Path of Travel. She thinks the commission should get involved in the rewrite. It would be valued input to the commission to read this bulletin and also to ratify all the buildings that are going to come forth on it.

**Access Appeals Commission Hearing: January 26, 2005**

Ms. Phillips, a member of that committee, said that they would be more than happy to do that. Before it is to be finalized by the committee, they are going to bring to the AAC for comments and input. That is why she was here.

Ms. Boyajian said that when it was ready it would go on the calendar as an informational presentation.

Ms. Phillips said that as soon as they get a chance, she will calendar it within the next month to discuss the ramifications and get input.

**7. PUBLIC COMMENT:**

None

**8. ADJOURNMENT:**

The meeting adjourned at 1:55 PM.

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