

**DEPARTMENT OF BUILDING INSPECTION****City & County of San Francisco****1660 Mission Street, San Francisco, California 94103-2414****ACCESS APPEALS COMMISSION****MINUTES****Regular Meeting****Wednesday, February 25, 2004****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 Baltimore at 1:00 P.M.

COMMISSION MEMBERS PRESENT:

Ms. Roslyn Baltimore, President
Mr. Linton Stables, Vice-President
Mr. Francis K. Chatillon
Ms. Alyce G. Brown

COMMISSION MEMBERS ABSENT:

Ms. Enid Lim

CITY REPRESENTATIVES:

Mr. Rafael Torres-Gil, Secretary
Mr. Edward Fang, Building Inspector
Ms. Doris M. Levine, Reporter

- 2. PUBLIC COMMENT:** Comments by Jakkee Bryson regarding the Episcopal Sanctuary homeless shelter and her concerns regarding the lack of compliance with a prior AAC decision, smoking, and lack of disabled access.

3. APPROVAL OF MINUTES:

The minutes of February 11, 2004 were approved with changes presented by Commissioner Brown.

- 4. REVIEW OF COMMUNICATION ITEMS:** Moved after Item 5a

5. NEW APPEAL:**a) Appeal # 03-10 - 750 Battery Street**

Presentation of the Summary of the Appeal by Rafael Torres-Gil.

At the request of President Baltimore, the proceeding were delayed to accommodate the present of President Fillon of the Building Inspection Commission and his presentation of a Certificate of Appreciation to Vice-President Stables, under agenda item # 8.

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Alfonso Fillon President of the Building Inspection Commission presented a Certificate of Appreciation to Vice-President Linton D. Stables for his service on the Access Appeals Commission.

Continuation of AGENDA ITEM # 5a

Mr. Torres-Gil continued his presentation of the Summary of the Appeal.

Presentation by Louis Felthouse, Architect for the applicant.

Presentation by Mr. Bill Norkunas, Consultant for the applicant.

Presentation by Paul Babcock, Building Manager.

Commissioner Brown asked Mr. Norkunas how wide his wheelchair and electric wheelchairs are Mr. Norkunas indicated 28" for his chair and that electric wheelchairs chairs are wider. Most of the electric chairs can past through a 32-inch opening.

President Baltimore commented on the unique problem posed by the finishes in this case and inquired about the current vacancy in the building and the addition of a unisex bathroom.

Mr. Babcock indicated that it was 97% occupied and that the other bathrooms were fully accessible.

Mr. Felthouse further indicated that the first floor is unique and has a different layout than the upper floors - which have the 5 ft. dimension.

Commissioner Brown asked how much had been spent on remodeling in the building in the last three years?

Mr. Babcock, Mr. Felthouse and Commissioner Brown discussed remodeling costs and their relationship to the 20% rule.

Commissioner Brown inquired of the application of the 20% rule and its application in the building.

Mr. Torres-Gil noted that it is applied on both a building-by-building and floor-by-floor basis.

Commissioner Chatillon asked Mr. Norkunas where he lived and why he was here today.

Mr. Norkunas responded that he lived in Florida, that Mr. Felthouse contacted him as an ADA design expert, and elaborated on his perspective of the disability problems presented in this appeal.

President Baltimore noted that she considers this appeal unique and hopes this case is not considered a precedent-setting issue for other cases and also noted that there are other accessible bathrooms in the building. With the proper signage people can be directed to other accessible bathrooms there are quite a few. The AAC has allowed accessible bathrooms on other floors.

Commissioner Brown asked Mr. Norkunas if he would be happy having to go to a restroom on another floor and whether a bathroom on another floor is a good alternative.

Mr. Norkunas said he would not be happy if given a choice and thinks that is a battle that goes on all the time in high rises.

Commissioner Brown asked Mr. Felthouse about the availability of tiles given the extensive resources in the area. She does not consider the matching of tile a tremendous factor in redoing the bathroom.

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Mr. Felthouse said that the difficulty is not with the color but the 2-¼ inches size. Two inches is an industry standard size. He also elaborated on costs of moving walls and fixtures.

Commissioner Brown indicated that it was not a financial constraint but a physical one.

Mr. Felthouse noted that the building was built to accommodate the first generation of accessibility requirements and this extra 2-inch configuration is a new requirement. All the previous requirements have been on the books since the first generation of Title-24 and it seems to be an unreasonable hardship to request a building owner, who has continually invested in accessibility, to provide full code compliance especially in a condition like this where there is truly equivalent facilitation. It is usable by people with disabilities.

Commissioner Brown made the suggestion that she bring a friend that is in an electric wheel chair to assess the 2-inch difference and noted that everyone has a right to access to all facilities.

Commissioner Chatillon asked Mr. Norkunas if there were any major differences between the male and female restrooms. Mr. Norkunas said no.

Vice-President Stables noted that the issue to him is accessibility. Can a person in a wheelchair or another disabled person who may not be in a wheelchair use these facilities the way they exist. The expert witness says it can and there is proof in the documentation. The critical dimension is not the 60-inch width it is the 32-inch clearance between the edge of the toilet and the nearest obstruction. They have at least 32-inches. It is not generally in the purview of an agency such as the AAC to bring our own witnesses. We need to rely on the evidence or personal viewing in order to make our judgment. He believes they are providing equivalent facilitation in these two restrooms. **He would like to move that they grant the appeal based on physical and financial hardship and the fact that they are providing equivalent facilitation by providing the operative width of 32-inches on the side of both toilets.**

President Baltimore requested that he add additional information distinguishing this case from some of the others.

Vice-President Stables said that it is part of the cost issue. He would hate to say that they are approving this one because they have nice tile. President Baltimore concurred. He would like to keep it as a cost issue that is not related to other jobs. The cost is high because of all the factors involved.

President Baltimore concurred and noted the need for signage directing persons to accessible restrooms on other floors.

Vice-President Stables amended his motion to include signage to accessible restrooms on other floors.

Commissioner Chatillon noted that he would like to include signage on each and every floor where accessible restrooms exist then was advised that all other restroom are accessible and that the 1st floor was the only one that needed signage.

Vice-President Stables	Aye
President Baltimore	Aye
Commissioner Chatillon	Aye
Commissioner Brown	Aye

The motion passed on a vote of 4-0.

4. REVIEW OF COMMUNICATION ITEMS:

Mr. Torres-Gil referenced the Ethics Commission notices for the forthcoming Form 700 filings.

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President Baltimore requested training on wheel chairs including presentation by wheel chair manufacturers or representatives.

Mr. Torres-Gil noted Mr. Richard Skaff's willingness to present training to the commission on various topics. All that is necessary was to present him with a list of topics. President Baltimore said she would work with Mr. Torres-Gil on the timeline.

President Baltimore inquired of the status of filing the vacancy. Mr. Torres-Gil noted his inquiry of Ms. Aherne of the BIC.

7. PUBLIC COMMENT:

None

9. ADJOURNMENT:

The meeting adjourned at 1:50 PM.

Rafael Torres-Gil

Senior Building Inspector

Department of Building Inspection

Secretary to the Access Appeals Commission