



ACCESS APPEALS COMMISSION
MINUTES
Regular Meeting Wednesday, April 9, 2008

1. CALL TO ORDER AND ROLL CALL

The meeting of the Access Appeals Commission was called to order by Vice- President Park at 1:03 P.M.

COMMISSION MEMBERS PRESENT: Mr. Walter Park, Vice-President
Mr. Arnie Lerner
Ms. Alyce G. Brown

COMMISSION MEMBERS ABSENT: Ms. Roslyn Baltimore, President
Mr. Jurgen Dostert

CITY REPRESENTATIVES: Ms. Elaine Warren, Deputy City Attorney
Mr. Neil Friedman, Secretary
Mr. Rick Halloran, Recording Secretary

2. PUBLIC COMMENT:

No public comment.

3. REVIEW OF COMMUNICATION ITEMS

No items for review.

4. CONSENT CALENDAR: Appeal No. 08-01 111 Sutter Street Old Appeal No. 04-03

Commissioner Brown stated that the original decision had a caveat that the appellant investigate other alternatives, and because this was not done, this matter should not be considered as a consent calendar item.

Upon advice from Elaine Warren, the commission advised the appellant that they were entitled to have an immediate hearing if so desired. Ms. Kathy Wells, representing the appellant, agreed and gave testimony as to the existing situation, and how restrictions due to the historic classification of the building prohibited full compliance with accessibility codes. Ms. Wells answered question from the commission regarding the possibility of using an alternative entrance (Montgomery Street) and how the security staff was trained to assist entry by collapsing the revolving front doors. Michelle Donnelly, property manager, described procedures and duties for security personnel during an emergency.

Commissioner Park raised the possibility of removing one revolving door and installing an accessible door. Commissioner Lerner stated that the revolving doors could be removed and stored for future reinstallation.

Commissioner Lerner introduced a motion that the appeal be extended for three years with the caveat that the appellant speak with a preservation architect about the possible installation of an accessible door and research what options are available with a building of historic significance. Commissioner Park amended the motion to stipulate that in three years the appellant be prepared to discuss the renovation of the revolving front doors.

Motion was unanimously approved.

5. NEW APPEAL: Appeal No. 08-05 90 New Montgomery

Appellant representative, Byron Kim of Hooks Design, was advised that with only three commissioners present all three votes would be required to carry a motion. He was advised that he had the option to postpone the hearing. The appellant decided to proceed. Summary of the appeal was read by Neil Friedman, Secretary.

General discussion ensued regarding the amount of accessible bathrooms planned, the size of landings at doors to stalls. The appellant was questioned as to why only one floor was scheduled to be made accessible. He stated that he would need to consult the owner. A motion was made by Commissioner Park to continue the matter until the next regular meeting. **Motion was unanimously approved.**

6. NEW APPEAL: Appeal No. 08-04 500 Post Street

The Secretary informed the commissioners that the owners of this property had recently hired Mr. James Reuben of Rueben & Junius, LLP to represent them in this matter. Mr. Reuben had sent a letter requesting an extension until the next regular meeting. A motion was made by Commissioner Park to continue the matter until the next regular meeting.

Motion was unanimously approved.

7. COMMISSIONERS' AND STAFFS' QUESTIONS AND COMMENTS:

Commissioner Park asked that future agendas include an agenda item for the approval of the minutes from the preceding meeting.

Commissioner Park brought up the subject of a letter to the director regarding staffing levels. Mr. Friedman stated that Mr. Rick Halloran and Ms. Nancy Curvino have been assigned to assist him in Commission business. Mr. Park inquired as to the amount of time that Mr. Halloran and Ms. Curvino will have available for Commission matters. Mr. Halloran stated to the Commission that he had been instructed by Mr. Sean Mc Nulty, Manager of Inspection Services to give the business of the Access Appeals Commission top priority.

8. PUBLIC COMMENT

Ms. Kathleen Finnerty of Greenberg Traurig, LLP spoke regarding the hardship appeal for elevator at 550 California Street. She stated that at the December 12th meeting the Commission had been advised that Otis Elevator had one more matter pending (550 California) after which time there would be no more pending projects.

She stated that she was not advised that this appeal had been removed from the agenda of the March 26th meeting. Ms. Finnerty made it clear that they wished to have the appeal heard as soon as possible due to the fact that the elevator was already installed and that they were concerned about the possible redesigning of the elevator at this stage. She asked that the matter be placed on the April 23rd agenda. Mr. Neil Friedman stated that the Department of Building Inspection has received criticism lately for "allowing" the installation of these elevators.

Mr. Friedman indicated that he wished to go on the record for the department by stating that the department has never allowed any of these (destination based) elevators to be installed. He clarified that the department has allowed them to move forward as appeals cases (before the Access Appeals Commission) because that is the only available mechanism for dealing with this type of situation. After discussion between Ms. Finnerty and Mr. Friedman as to the history of the Otis Elevator Company interactions with the department and the commission, Ms. Finnerty stated that she had reviewed the meeting transcripts from December 12th and could find no reason for removing the appeal from the March 26th agenda.

Mr. Park added that there may have been a misunderstanding of his motion and that it was not his intention to hold up this appeal. After discussion about the fact the Commissioner Lerner would not be available on the 23rd, it was agreed that the appeal would be placed on the April 23rd agenda for hearing.

9. ADJOURNMENT:

Upon determination that there was no further public comment, Commissioner Lerner moved for adjournment. Meeting was adjourned at 2:05 p.m.

Neil Friedman, Senior Building Inspector
Department of Building Inspection
Secretary to the Access Appeals Commission