



ACCESS APPEALS COMMISSION
MINUTES
Regular Meeting Wednesday, April 23, 2008

1. CALL TO ORDER AND ROLL CALL

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

COMMISSION MEMBERS PRESENT: Ms. Roslyn Baltimore, President
Mr. Walter Warren, Vice-President
Ms. Alyce G. Brown

COMMISSION MEMBERS ABSENT: Mr. Arnie Lerner
Mr. Jurgen Dostert

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

2. REVIEW AND APPROVAL OF MINUTES:

(This item was postponed by President Baltimore until after items 4 and 5.)
President Baltimore stated that due to the fact that she was not present at the April 9, 2008 meeting addressed by the minutes and that she had not reviewed the cases in question, she would not be able to vote for approval. Approval of minutes was postponed until the next regular meeting.

3. REVIEW OF COMMUNICATION ITEMS

(This item was postponed by President Baltimore until after items 4 and 5.)
No communication items.

4. NEW APPEAL: Appeal No. 08-02

550 CALIFORNIA STREET

Ms. Kathleen E. Finnerty of Greenberg Traurig, LLP addressed the Commission as representative for Otis Elevator Company. Ms. Finnerty offered to answer any questions that the Commission might have. President Baltimore raised the issue of precedence setting. Ensuing discussion with Commissioners Park and Brown posed additional clarification that any decision made by the commission be clearly non-precedent setting for future installations. Commissioner Brown stated that she hoped that standards for destination based elevators would soon be developed by the Code Advisory Commission to avoid unneeded delays, but added that this Commission must remember the fact that they represent the disabled community and must ensure that this community has one hundred percent access. Upon questioning by President Baltimore, Deputy City Attorney Elaine Warren stipulated that if they wished to have the appellants return before the commission upon future permit applications, this should be clearly stipulated in the decision.

Ms. Jessie Lorenz, from the Lighthouse for the Blind addressed the commission. She stated that she has concerns about the impact that destination based elevators have upon the sight impaired community. She stated that it is her belief that the potential is there for this technology to take access forward and not backward, but she did not feel that “we’ve worked out all the kinks yet”. Ms. Lorenz also expressed a desire to inspect the installation at 475 Sansome Street to see how the required modifications actually impact the use of the system.

Ms. Lorenz stated that the largest area of challenge to the sight impaired community is during the period from when the hallway call button is activated to when the user steps into the appropriate carriage. She recommended that the adjacent carriage be summoned when the access key is activated and stated that she believed this was readily achievable and did not present an undue hardship.

Dr. Joshua Miele of Smith –Kettlewell Eye Research Institute followed up on the statements of Ms. Lorenz and informed the commission that at a recent convention of the California Council for the Blind an informational meeting attended by many of the elevator companies was held and the idea of “adjacency”, as this is being called, is achievable and desirable. He stated that his and other research has shown the need for study of this “adjacency”. He asked that this item be added to Commissioner Park’s list so that the system could be evaluated for its effectiveness.

Commissioner Park stated that he wished two caveats to be added to the list of conditions for this elevator. First that the decision be clearly non-precedent setting and two, that adjacency be added. Upon questioning by Commissioner Park, Kathleen Finnerty stated that the technology was being developed for this but was not now available. She stated that she believed that it might be available within six months. Commissioner Park asked both Otis and the representatives of the sight impaired community if a nine month time frame was agreeable

Mr. George Von Klan of GVK-ECS Consulting, offered additional comments regarding “adjacency”. He also made comments on improving visual and tactile interface at key pad. Mr. Von Klan also made comments regarding active hall enunciation, the possible standard arrangement of elevators (banks), i.e. clock wise from front entrance, and expressed his disagreement with requiring the key pads to be located between elevators. Commissioner Park and Commissioner Brown offered comments in support of this requirement.

Commissioner Park made the motion that this appeal be approved with the same conditions mandated for the approval of the elevator system at 475 Sansome Street on December 12, 2007 with two additional stipulations. First stipulation is that within nine months of this date the system be modified so that an available cab, adjacent to the operator control, shall respond to the call when the accessible button on the key pad is activated. The second stipulation is that this approval is not precedent setting for other buildings or for future permit applications within this (550 California Street) building.

The motion was unanimously approved.

5. CONTINUED APPEAL: Appeal No. 08-05 90 NEW MONTGOMERY STREET

President Baltimore stated that the appellant in this matter had made a request for a continuance.

Commissioner Park made a motion that a continuance of appeal no. 08-05 be granted until the next regular meeting.

Motion was unanimously approved.

6. CONINUED APPEAL: Appeal No. 08-04 500 POST STREET

The Secretary read the case summary. President Baltimore informed the appellant that due to there being only three commissioners, he is entitled to request a continuance. Mr. James Reuben representing the ownership of 500 Post Street addressed the commission. Mr. Reuben stated that the hotel and garage was constructed according to code at the time. He added that the hotel has only used valet parking from the day it opened.

Mr. Reuben pointed out that the code allows for an unreasonable hardship in cases like this, but added that in spite of the fact that they may be entitled to such a hardship the appellant would offer a possible equivalency.

He stated that the hotel could obtain the use of accessible spaces in the parking garage at 520 Mason Street that is operated by the same vendor that operates the valet parking at the hotel.

The other option that was offered by Mr. Reuben was to install a blue zone on the street adjacent to a ramp next to the porte-cochere.

After discussion by the commission as to which alternative would be best, Mr. Reuben stated that the hotel would be willing to implement both equivalencies.

Commissioner Park amended his motion to approve the appeal to include two conditions, first that an agreement be made with the parking provider at 520 Mason Street to provide accessible parking for guest of the hotel including high top van parking and, second, that they apply to DPT for a blue zone in front of the hotel. Commissioner Park further stipulated that this be precedent setting for three years.

Motion was unanimously approved.

7. COMMISSIONERS' AND STAFFS' QUESTIONS AND COMMENTS:

Commissioner Brown stated that there always seems to be less than 4 Commissioners present at meetings. She asked the Deputy City Attorney if anything pertinent to commissioners having to be present could be written in the bylaws for when people apply to be a commissioner.

Commissioner Park commented that the absent Commissioner has not been absent much and did inform both the commission and the appellant that he would be absent this meeting.

He further stated that Commissioner Dostert's absence was due to illness and that reasonable accommodation should be extended, but at some future point the issue might need to be addressed.

Secretary Friedman suggested that the commission rules be opened to provide for an alternate commissioner. Commissioner Baltimore pointed out that this might be problematic as the commission is composed of three different categories; one general public, two members of the disabled community and two construction professionals.

Deputy City Attorney Elaine Warren pointed out that the Building Inspection Commission (BIC) is the only body that can appoint and remove commissioners and that there would require a code amendment to facilitate the appointment of an alternate commissioner. She stated that a statement could be entered into the bylaws saying that after a number of unexcused absences a letter could be sent to the BIC.

Commissioner Baltimore stated that as this question may apply specifically to one person, she did not feel comfortable with further discussion on the matter.

Commissioner Park then requested that staff post case decisions on the web site along with minutes. He also asked that the staff be sure that an email list be created and that any parties concerned be notified electronically.

8. PUBLIC COMMENT

There was no further public comment.

9. ADJOURNMENT:

Upon determination that there was no further public comment, Commissioner Baltimore moved for adjournment. Meeting was adjourned at 2:32 p.m.

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