



DEPARTMENT OF BUILDING INSPECTION

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

ACCESS APPEALS COMMISSION

MINUTES

Regular Meeting

Wednesday, May 12, 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 1:08 P.M.

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

COMMISSION MEMBERS ABSENT: None

CITY REPRESENTATIVES: Ms Judy Boyajian, Deputy City Attorney
Ms Nancy Curvino, Acting Secretary
Mr. Sonja Harris, Recording Secretary
Ms. Doris M. Levine, Reporter

2. PUBLIC COMMENT: No public comment.

3. ELECTION OF A VICE PRESIDENT TO FILL THE POSITION VACATED BY LINTON STABLES UNDER RULE 3b - ELECTIONS:

Continued until after item # 6

4. APPROVAL OF MINUTES:

Continued until after item # 6

5. REVIEW OF COMMUNICATION ITEMS:

Continued until after #6

6. NEW APPEAL:

a) Appeal # 04-01 1188 Franklin Street

Presentation of the Summary of the Appeal by Ms. Nancy Curvino.

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President Baltimore requested that the City Attorney's Office address the last paragraph of the Summary in which the appellant requested a decision for the life of the building. The AAC has had the policy of not granting a decision for more than five years.

Ms. Boyajian stated that the commission would normally rule on a case-by-case basis as permits comes to the department. There is no provision in the code to grandfather things in. But over time, because of practical reasons, the commission has in the past granted a short 'grandfathering'. The commission has never grandfathered for-the-life of a building. Things can change and the code can change. Her recommendation is, if the commission wants to continue this 'grandfathering', they should do it not longer than three years because that's the amount of time necessary to look back at previous permits to accumulate costs.

Marcella Cluff stated that the reason they were requesting a 'lifetime' on the decision is because of the cost it would take to adjust the building to 8'-2" and the striping problems that would result. The cost is \$9-11 million to make the structural change. That is not going to go away with a code change. If there were any major structural changes the code would require that everything would be changed and also, because of the prohibited cost of an access appeal and getting a contractor to provide the expensive bids, as long as the building stays the way it is, it is never going to meet the 8'-2" requirement. They would appreciate having this request heard.

Ms. Cluff indicated that because of space limitations there is no way to put in three spaces or even two spaces such as a van and a car space together, without having to walk across (the vehicle path). Also, as shown on the drawing, a portion of the path at the lobby area goes behind other parking.

Ms. Cluff proceeded to present parking details in reference to the drawings in response to various queries from The commissioners.

President Baltimore skipped to Item # 3 while the AV system was activated.

3. ELECTION OF A VICE PRESIDENT TO FILL THE POSITION VACATED BY LINTON STABLES UNDER RULE 3b - ELECTIONS:

Commissioner Chatillon nominated Commissioner Enid Lim for the position of Vice President of the Access Appeals Commission.

Commissioner Brown seconded this nomination.

President Baltimore called the roll.

Commissioner Brown	Yes
Commissioner Lim	Yes
Commissioner Chatillon	Yes
President Baltimore	Yes

The vote was unanimous.

4. APPROVAL OF MINUTES:

Commissioner Brown noted a correction on page 3. The commission voted to approve the minutes of February 25, 2004.

5. REVIEW OF COMMUNICATION ITEMS:

There were none.

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Ms. Cluff continued with her AV presentation of parking details in response to various questions from the commissioners.

Commissioner Brown asked if all the spaces were assigned.

Ms. Cluff stated that the only access to the garage was by use of a clicker and that disabled spaces are assigned to handicapped people in the building. There are currently more people who want parking, who work in the building, than there is parking.

President Baltimore asked what would happen if there are no handicapped people in the building who needed the spaces.

Ms. Cluff stated that the spaces would sit empty.

Commissioner Chatillon asked about a realistic situation given the demand for parking. How long would it be before the building manager said, 'there are no disabled people using the spaces so therefore we will let a non-disabled person use the space'?

Ms. Cluff responded that they have gone through this exercise for years and the building owner was finally convinced how to deal with this item.

President Baltimore asked, if a handicapped person was visiting the building, could they use the space with the concurrence of the tenant or owner.

Ms. Cluff stated that it would have to be arranged ahead of time with the security people. It is not a drive-up type thing.

President Baltimore asked if everyone in the building was connected with the ILWU.

Ms. Cluff said that in one capacity or another. There are different divisions of the ILWU in the building.

Commissioner Brown asked how many parking spaces are used right now for the disabled and how many disabled spaces are available on the street.

Ms. Cluff said that there is no one who is disabled in the building, at present, and there are two blue zones across the street (Geary and Franklin) and half a block away there's another blue zone at Franklin and Starr King Way. DPT would not approve additional blue zones for equivalency because there are more there than is supposed to be.

Commissioner Brown inquired about the access height at the garage entry.

Ms. Cluff indicated that the blue zones are the available option and that they tried to get an additional blue on the same side of the street as the building but was denied by DPT.

President Baltimore indicated the need to keep the discussion of the two UHR's separate.

Commissioner Chatillon presented a motion on UHR #1 to accept the plans with the caveat that there is signage for street parking.

Ms. Cluff indicated that they have the signage and provided details.

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Commissioner Brown inquired about the availability of a warning device for the hearing impaired at the path of travel behind cars and suggested lights and mirrors.

Ms. Cluff stated that they did not have a solution at the moment but have no problem with the devices for the hearing impaired.

Commissioner Brown inquired whether to incorporate devices for the hearing impaired in the motion. i.e., mirrors and lights.

Commissioner Chatillon amended his motion to accept the plan, as is, with the caveat to include signage. Mirrors and lights for the hard of hearing.

President Baltimore called for a vote on the motion.

Commissioner Brown	Yes
Commissioner Chatillon	Yes
Vice President Lim	Yes
President Baltimore	Aye

The motion on UHR #1 passed with a vote of 4-0.

President Baltimore noted the need to consider the number of years that the motion is good for.

Commissioner Chatillon amended his motion to include a period of three years.

The commission voted on the amended motion.

Commissioner Brown	Yes
Commissioner Chatillon	Yes
Vice President Lim	Yes
President Baltimore	Aye

The amended motion on UHR #1 passes on a vote of 4-0.

Commissioner Brown presented a motion to ratify UHR #2 (Vertical Height clearance) for a period of three years based on physical constraints.

The commission voted on the motion.

Commissioner Brown	Yes
Commissioner Chatillon	Yes
Vice President Lim	Yes
President Baltimore	Aye

The motion passes on UHR #2 on a vote of 4-0.

President Baltimore noted the need for findings on UHR #1.

Commissioner Chatillon amended his motion on UHR #1 to include physical constraints.

President Baltimore indicated that the decision on UHR #1 was amended as noted without a vote.

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President Baltimore inquired of the City Attorney's Office whether the appellant, having to come back every three years, would have to return with a full case or whether it can be an abbreviated case which would save the appellant some money.

Ms. Boyajian responded that a permit would be filed and it could be an abbreviated case if the same members of the commission were present in three years, but that if she were them, she would put on a full case, to be safe.

Ms. Cluff elaborated on the complexities of future TI submittals and the resulting need for an AAC appeals.

Ms. Boyajian emphasized that as long as the commission understood the appeal request and had background information such as copies of the transcripts and decisions, - she thinks that the commission in three years would need to understand what the (earlier) case is about.

7. COMMISSIONERS AND STAFFS QUESTIONS AND COMMENTS:

President Baltimore noted the need for a training session fairly soon. She would like to do it on elevators because a case may come before us within the next month or so.

Commissioner Chatillon asked if the training of two years ago was to be redone. President Baltimore noted that there are changes in the code and in the manufacture of elevators. Some of it will be a repeat and hopefully by that time there will be a new commissioner who can participate. Commissioner Chatillon indicated that he wished not to reinvent or rehear the same topic.

Ms. Boyajian asked if all the commissioners had attended the ethics training. Commissioners Chatillon and Lim did not attend. Ms. Boyajian said that she would review what options there are including acquiring a video.

Commissioner Brown thought that the more training they get the better but as far as getting manufacturers representatives, she does not feel very comfortable with that because they would all tell us their products are the best. There are elevator and lift specialists that do not sell them. She thinks that would be a better way to go. Also, there are people available from the community who could help a lot.

President Baltimore said that Mr. Skaff is not available and she could not ask the department to incur any costs by bringing in a specialist. In the past they have asked more than one elevator person to come and speak and they are usually brokers who handle more than one company. There was one woman who in the past provided a broad overview. In the past there were about three representatives and it worked out well. There is no one from the Mayor's Office that she knows of that could help us with this training.

Commissioner Brown asked if there was a woman from Marin who helped in the past. There have been several disabled people who have attended. In the long run, as far as having elevator people attend, she feels they are prejudiced toward their own products and she would like an unbiased opinion.

Commissioner Brown asked who else worked at the Mayor's Office and could help in the absence of Mr. Skaff. President Baltimore said she did not know.

Commissioner Chatillon asked when a new commissioner would be coming on.

President Brown said that the BIC is working on it but that they have a full plate. They've put notices out but no commissioners have been selected.

Commissioner Chatillon asked what the schedule looks like and President Baltimore said that that information is not available at present. She would suggest that the training be held off until the end of next month.

Commissioner Brown said there is a list of scheduled hearings.

8. ADJOURNMENT:

The meeting adjourned at 1:58 PM.

Rafael Torres-Gil

Senior Building Inspector

Department of Building Inspection

Secretary to the Access Appeals Commission