



DEPARTMENT OF BUILDING INSPECTION

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

ACCESS APPEALS COMMISSION MINUTES

Wednesday, November 14, 2007

1:00 P.M.

1 Dr. Carlton B. Goodlett Way, Room 416

1. CALL TO ORDER AND ROLL CALL

The regular meeting of the Access Appeals Commission was called to order at approximately 1:11 p.m. by President Brown.

COMMISSION MEMBERS PRESENT: Ms. Alyce Brown, President
Mr. Arnie Lerner, AIA, Commissioner
Mr. Walter Park, Commissioner

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

CITY REPRESENTATIVES: Neil Friedman
Secretary to the Commission
Ms. Susan Pangilinan
Recording Secretary
Ms. Elaine Warren
Deputy City Attorney
Ms. Doris M. Levine, Reporter

OWNER'S REPRESENTATIVES: Mosten Management Co., Inc.
Edward Persico, Otis Elevator Company
Kathleen Finnerty, Greenberg&Traurig

2. PUBLIC COMMENT:

There was no public comment.

3. REVIEW OF COMMUNICATION ITEMS:

Ms. Kathleen E. Finnerty of Greenberg Traurig, ADA attorney for Otis Elevator, presented a letter before the start of the meeting. After various comments from the Commissioners it was decided that any material that relates to an appellants' case must be presented in the appeal packages sent out in advance of the Commission meeting.

4. NEW APPEAL:

a) Appeal No. 07-17 (PA#2007/1025/6493)
475 Samsome Street

Edward Persico

Ms. Kathleen E. Finnerty, asked if the AAC is inclined to make a decision because with 3 commissioners present there are enough Commissioners to make a quorum.

Commissioner Park said he feels the case is important and needs more time to review new info.

Ms. Finnerty said she wants to continue the case and would like to set a new hearing date as soon as possible.

Commissioners Brown, Lerner and Park agreed on November 28th for the next hearing.

Commissioner Lerner suggested that more things need to be discussed and that the Code Advisory Committee needs to review info and come up with a an Administrative Bulletin, AB, approved by the Building Inspection Commission, BIC, for precedent setting.

Commissioner Park asked if Commissioner Lerner is asking to decide on a case by case basis. He is concerned that all this would take too long.

Ms. Kathleen E. Finnerty said she would like to partake in any discussions related to DBE, Destination Based Elevators. She is asking that a decision be made because construction is pending as well as 300 employees to occupy 7 floors. She said there are 3 more buildings that they are doing elevator installations in.

Commissioner Brown said she wants more input from the sight impaired.

Commissioner Park moved to hold next meeting on November 28th and also distributed his notes to every one regarding DBE .

Ms. Kathleen E. Finnerty said she will take all information into account and make a matrix.

Ms Finnerty asked if the AAC would approve the elevator based on the one at 111 Pine Street, with all new considerations.

Mr. Neil Friedman said that the building owner needs to have city inspectors, fire included, approve all inspections and can apply for a temporary certificate of occupancy, TCO, prior to moving in. He mentioned the building doesn't need a final sign off. The elevator would be installed at the building's own risk.

Commissioner Lerner asked Elaine Warren, Deputy City Attorney, if it's okay to distribute notes. Ms. Warren said, "Yes, as long as the notes are not discussed among the other Commissioners and that they are made available to the public".

Mr. Richard Scaff expressed concerned about the TCO, given that some of the reports from The Lighthouse, Trace Research, Smith – Kettlewell, and the California Council for the Blind. He made the assumption that only minor issues regarding accessibility would be left incomplete.

Mr. Scaff mentioned that he saw a spread sheet today with comments from the American Federation of the Blind, AFB, Trace Research, Smith – Kettlewell, and the California Council for the Blind that were insulting to him. Edward Persico with Otis, clarified this item with Mr. Scaff to his satisfaction.

Commissioner Brown said 5 days before hearing is the cut off period for information.

Ms. Finnerty mentioned she would have copies of a matrix draft with her interpretation of complaints and comments to the AAC. Ms. Finnerty stressed how they were looking for an equivalency and not asking for an unreasonable hardship.

Commissioner Park motioned to continue the hearing. Commissioners Brown seconded stating November 28th as the date set.

5. COMMISSIONERS' AND STAFF'S QUESTIONS AND COMMENTS:

Commissioner Brown nominated Commissioner Roslyn Baltimore as President and Commissioner Park as Vice President.

Commissioner Lerner seconded the nominations.

All Commissioners voted yes to nominate:

Commissioner Roslyn Baltimore as President of the AAC
Commissioner Walter Park as Vice President of the AAC

The issue of providing minutes from past meetings came up and the response was that some minutes will be provided at the next hearing.

Commissioner Lerner wants to establish how they would set a precedent and maybe an Administrative Bulletin, AB is the way to go.

Mr. Neil Friedman said the commission shouldn't be setting precedent but ratifying and making decisions on items as needed.

Ms. Warren, City Attorney believes that what Commissioner Lerner is asking is if the Commission could come up with an equivalency for the Destination Based Elevators, DBE . Future cases could be addressed through guidelines such as the one set up for lifts.

Commissioner Park mentioned that guidelines were set up for residential elevators.

A discussion ensued with the Commissioners, City Attorney and the Secretary regarding guidelines, administrative bulletins and a form of equivalent facilitation that could be made formal and be used by the building department the public.

6. ADJOURNMENT: Meeting was adjourned at approximately 2:22 P.M.

These notes are an approximate summary of the Commission meeting.
Full transcripts of these meetings are available for the cost of transcription. Copies of the audio tapes are also available for the cost of making the copies.

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