



**DEPARTMENT OF BUILDING INSPECTION**

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**City & County of San Francisco**

**1660 Mission Street, San Francisco, California 94103-2414**

**ACCESS APPEALS COMMISSION**

**MINUTES**

**Regular Meeting**

**Wednesday, December 8, 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 1:05 P.M.

**COMMISSION MEMBERS PRESENT:**

Ms. Roslyn Baltimore, President  
Mr. Francis K. Chatillon  
Ms. Alyce G. Brown  
Ms. Enid Lim, Vice-President

**COMMISSION MEMBERS ABSENT:**

None

**CITY REPRESENTATIVES:**

Ms. Judy Boyajian, Deputy City Attorney  
Mr. Rafael Torres-Gil, Secretary  
Ms. Susan Pangilinan, DBI Recording Secretary  
Ms. Doris M. Levine, Reporter

**2. PUBLIC COMMENT:**

None.

**3. APPROVAL OF MINUTES**

Minutes for October 13, 2004 were approved as submitted.

**4. REVIEW OF COMMUNICATION ITEMS**

Moved until after the hearing of the appeal.

**5. ELECTION OF OFFICERS:**

**Moved until after the hearing of the appeal.**

**Access Appeals Commission Hearing: December 8, 2004****6. NEW APPEAL:****a) Appeal No. 04-03 (2004/10/28/7962) 111 Sutter Street**

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

Presentation by the Architect for the building, Mr. Ken Eng.

Presentation by, Mr. Austin Pireria, Architect, and Kathy Wells, representing the ownership of the building.

Commissioner Brown inquired of the time it took the security guard to come down and collapse the door.

Mr. Eng referenced the letter of June 8, 1993 and indicated the time of 10 seconds.

Commissioner Chatillon inquired of signage at the door.

Mr. Eng referenced photographs of the entry.

President Baltimore asked how far the nearest handicapped access is and the travel distance.

Mr. Eng indicated that there is no other handicapped access to the building, but did reference another entry into the rear of the building.

Commissioner Brown addressed the basis for the original AAC decision – financial hardship not historical.

Ms. Boyajian said that she was not sure the commission in 1993 applied the correct law. If you are entitled to use the State Historical Building Code you should apply that code. She referenced the alternative case-by-case provisions noted in the current code and noted that if the appellant does not like the decision they can appeal again to the State Historical Building Commission. She then outlined the procedures noted in the code for establishing a decision. The commission is not limited to financial hardship.

Mr. Eng referenced equivalent facilitation in the SHBC. Mr. Torres-Gil read the section for the commission.

The commission looked for documentation as a qualified historical building classification but could not find it in the package and established that the building did not comply with any of the alternative case-by-case provisions.

President Baltimore noted that the historical fabric would be compromised if there were compliance with the alternatives provisions. So then it was necessary to go the equivalent facilitation section.

Ms. Boyajian referenced the need to have documentation from state officials and opinions and comments of representative local groups of persons with disabilities.

President Baltimore asked the appellants if they understood what was said by the CA representative and asked if that had opinions and comments from local groups.

The commission agreed that the opinion and comments were lacking and were necessary to fulfill the requirement of the code.

Ms. Wells identified the photos showing entry by a disabled person.

Ms. Boyajian noted that that did not constitute opinions and comments from representative local groups.

**Access Appeals Commission Hearing: December 8, 2004**

Mr. Torres-Gil noted his failure to cite the need to address this section of the code in his preliminary assessment of the appeal.

President Baltimore indicated that she would like to give them ample time to address this section of the code and come back to the commission.

There was general discussion about the persons or groups that could be contacted.

**Commissioner Brown made a motion for continuance of the appeal until January 26, 2005.**

**Vote on the Motion by Commissioner Brown:**

<b>Commissioner Chatillon</b>	<b>Aye</b>
<b>Commissioner Brown</b>	<b>Aye</b>
<b>Vice-President Lim</b>	<b>Aye</b>
<b>President Baltimore</b>	<b>Aye</b>

**The motion passed.**

Further general discussion continued regarding the representative groups amongst the commissioners

**4. REVIEW OF COMMUNICATION ITEMS**

Mr. Torres-Gil referenced the 2005 Hearing and Submittal dates for AAC appeals.

**5. ELECTION OF OFFICERS:**

**Commissioner Chatillon nominated Vice-President Lim for the position of President of the AAC.**

**Vote on the nomination:**

<b>Commissioner Brown</b>	<b>Yes</b>
<b>Commissioner Chatillon</b>	<b>Yes</b>
<b>President Baltimore</b>	<b>Yes</b>
<b>Vice-President Lim</b>	<b>Yes</b>

Commissioner Brown nominated Commissioner Chatillon for position as Vice-President of the AAC.

**Vote on the nomination:**

<b>Commissioner Brown</b>	<b>Yes</b>
<b>Commissioner Chatillon</b>	<b>Yes</b>
<b>Commissioner Baltimore</b>	<b>Yes</b>
<b>President Lim</b>	<b>Yes</b>

**7. COMMISSIONERS AND STAFFS QUESTIONS AND COMMENTS:**

Commissioner Brown inquired of any future cases.

Mr. Torres-Gil inquired of the status of the Ethics Training DVD.

**8. 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