

August 4, 2025

Proposition E Commission Streamlining Task Force  
San Francisco Office of the City Administrator  
1 Dr Carlton B Goodlett Pl #362  
San Francisco, CA 94102

Re: Access Appeals Commission Letter of Support

Dear Proposition E Commission Streamlining Task Force:

I am writing you today to encourage you to recommend to the Board of Supervisors the retention of the Access Appeals Commission ("AAC"). As a member of the AAC and a practicing architect in San Francisco over a 42-year period, I have seen firsthand the benefit this commission offers to the people of San Francisco and our parent organization, the Department of Building Inspection ("Department").

The AAC conducts hearings to approve or disapprove the Department's interpretations of applicable disability access regulations and actions taken by the Department to enforce the regulations and abate violations.

The Commission makes its decision on an appeal or a ratification request at the hearing unless it determines that it needs additional information or a site inspection. The AAC can continue the matter to a subsequent meeting and arrange to obtain the additional information or hold the site inspection.

Decisions and recommendations of the Commission are by resolution. In its decision, the Commission may approve the action of the Department unconditionally or conditionally or may approve it in part, disapprove it in part, or may disapprove it entirely. If the Commission disapproves an interpretation by the Department, it will declare its own interpretation for the Department's guidance.

The AAC consists of 5 members that provide a diverse background of people with experience directly affected by disability barriers, experience in solving problems created by these barriers, and a member of the general public. Our body includes:

2 people with a physical disability

2 people experienced in construction (I serve on one of these seats)

1 person who is a member of the public.

One of the key issues the public encounters in trying to meet the requirements of the San Francisco and California building codes is whether the permit application meets the standard of UNREASONABLE HARDSHIP. Basically, what this means is, when the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, the AAC is then asked to review and ratify this finding.



The AAC provides a forum where the commission can directly engage the owners or small business operators as to why they can't afford to meet full code requirements and if they can't, review what has been proposed for approval by the Department and determine, if appropriate, alternative actions that might provide more effective access within their budget for persons with disabilities. We can also address issues such as when in the future they might be able to afford to meet accessibility requirements not presently met.

Some examples of the types of actions and work of the AAC are worth noting:

The AAC engaged Public Works Americans with Disabilities Act (ADA) Access Coordinator Kevin Jensen several times at our hearings asking that they remove their burdensome requirement for minor sidewalk encroachment permits for power door operators that extended over the property line a few inches. Fortunately, Mayor Lurie spearheaded legislation to eliminate these minor encroachment permits for installing power door operator devices that will take effect in a short while.

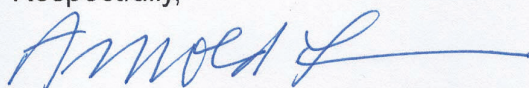
Our most recent case involved the Hope and Peace Buildings in the Bayview. Their campus consists basically of 2 buildings. Our public member stated that many catholic schools in the southwest side of San Francisco have closed for lack of enrollment forcing students and families to commute to schools. They offered that their main goal was to do seismic improvements to both buildings but they could only afford to make one of the buildings accessible, the Hope Building, the most visited building on campus. We were able to ascertain that all the classes that a disabled student needed would be offered in the accessible building and if not, that class would be moved to the accessible building and that making the other building accessible in the future would be worked on.

Another case involved a day care center renovation. The facility included a ground floor facility and a raised portion where various activities happened. The tenants explained why they couldn't include the work on a vertical platform lift to the raised platform. We asked them when they thought they would be able to afford to do that work, and they committed to making the raised level accessible in approximately 2 years. In the meantime, they said they would provide access on the ground level for activities that happened on the raised platform.

The last example was the creation of new code requirements for the new destination elevators. The AAC held hearings both at DBI and in the field to review how these new elevator control systems would work, and solicited feedback from users and an array of experts. Our work was instrumental in helping form the code requirements for these new systems.

A member of the public recently stated to us that they were impressed with the history of this committee, it being one of the only places in the city where a group of people with diverse expertises lead a public forum regarding accessibility. I hope you will do what you can to maintain this important commission.

Respectfully,

A handwritten signature in blue ink, appearing to read "Arnold Lerner", followed by a long horizontal flourish.

Arnold Lerner, FAIA, CASp