



**ACCESS APPEALS COMMISSION  
MINUTES  
Regular Meeting Wednesday, December 14, 2011**

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order by President Vernali at 1:10 P.M.

**COMMISSION MEMBERS PRESENT:**

Mr. Ronald Vernali, President  
Ms. Alyce G. Brown Vice President  
Mr. William Ellsworth  
Mr. Arnie Lerner

**CITY REPRESENTATIVES:**

Mr. Tom Fessler, Secretary  
Ms. Evelyn Karcs, Recording Secretary  
Ms. Elaine Warren, Deputy City Attorney

**2. REVIEW AND APPROVAL OF MINUTES:**

The minutes for the November 9, 2011 meeting were approved unanimously, with corrections requested by Commissioner Brown.

**3. REVIEW OF COMMUNICATIONS ITEMS:**

Secretary Fessler had two communication items. First, a new 2012 regular meeting schedule of the Commission is provided within today's meeting packet. The new schedule dates and location of the meeting room has been confirmed by the facilities management here at City Hall.

Second, the commissioners were reminded of the mandatory harassment training they are required to complete. The secretary will provide the disaster service worker numbers they need in order to log into the training. Some of the commissioners questioned their responsibilities in case of a disaster if they have disaster service worker numbers. The secretary stated he would inquire about their duties but thought the numbers were created for identification purposes only and they would not be expected to perform any duties in case of a disaster.

## 4. CONTINUED APPEAL

### APPEAL #11-12

### 460 CHERRY STREET

In response to the decision by the Access Appeals Commission Meeting to continue appeal #11-12, the appellant has provided additional information regarding accessible parking at 460 Cherry Street garage. There is an entrance to the Cherry Street garage on California Street but this level is not connected to the other levels except by a stairway. The garage does not have an elevator for vertical access only stairways. The California Street entrance lacks the 98" vertical clearance required by Section 1129B.3.5 of the 2010 CBC. Presently the pedestrian path to and from vehicles requires persons to travel behind vehicles other than their own and a stairway for access to the public way. Providing accessible parking at this level would require new striping, signs, creation of a new exterior opening for the installation of a ramp and an attendant kiosk.

Architect Sue Smith testified a survey of the parking area accessed from the California Street entrance was done and drawings provided. Because of a lack of an accessible path of travel from the parking spaces to the public way, a new opening on the exterior wall and associated switch back ramp would need to be created. On an operational stand point, this level of the garage is presently unmanned. Opening it to the public would require installing a new kiosk, associated gates and hiring a new full time parking attendant. While these changes may be achievable it would come at a great expense.

Commissioner Brown stated that she had met both the Secretary and Commissioner Lerner at the garage last week. After reviewing the conditions at the site she thought that this level was the most appropriate location for providing accessible parking. An automated ticket kiosk could be provided eliminating the need for an attendant at this level.

Sue Smith stated the garage was very busy requiring attendants to be present at the existing public parking exit so an attendant would be required at the California Street level. Bill Conaway, CMPC facilities manager, questioned how a parking level with mixed public (accessible parking) and assigned parking could be managed without an attendant on that level.

Commissioner Lerner expressed his opinion that accessible parking could be provided at the California Street level. He was aware of other parking garages that had a mixture of assigned and public parking using automated kiosk without causing problems. If there was a problem the existing attendants were only one level away. He stated that it appeared there was not a physical constraint limiting the creation of an opening on the exterior of the structure. He added the slope on California Street was usable for persons with mobility impairments unlike Cherry Street.

Commissioner Ellsworth commented that even though he missed the last meeting and had not been to the site, he would probably vote against any proposal which did not provide the accessible parking on the California Street level. He went on to point out persons with disabilities could be provided unassisted access from parking on this level and the hospital without the use of shuttle service.

Sue Smith questioned the status of the permit for 3838 California Street addressed in previous appeal #11-11. Secretary Fessler explained the permit has not been issued because of the outcome of the present appeal could affect the pending permit but the permit could be issued without regard to how the present appeal may affect it. Bill Conaway requested the permit not be issued until the entire accessible parking for the campus is addressed.

At the end of the appeal it became apparent the commission would not grant the hardships as presented in the appeal packet. City Attorney Elaine Warren stated the commission could not discuss the past appeal at this time and the only rule on the appeal before them at this time. She suggested the commission continue the appeal at this time.

On a motion by Commissioner Lerner and a second by Commissioner Brown, the commission voted unanimously to continue appeal #11-12.

President Vernali	Yes
Vice President Brown	Yes
Commissioner Lerner	Yes
Commissioner Ellsworth	Yes
Commissioner Park	Absent

**5. DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS:**

There was none.

**6. COMMISSIONER'S AND STAFF'S QUESTIONS AND COMMENTS:**

Commissioner Brown inquired how a disabled access complaint could be made regarding existing business within the City and County of San Francisco. Secretary Fessler explained complaints can be made via calling the Building Department or by the Building Departments website. Once the complaint was made, the department would investigate the validity. Based on the investigation findings further action by the department would take place.

**7. PUBLIC COMMENT:**

There was no public comment.

**8. ADJOURNMENT:**

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Thomas Fessler, Building Inspector  
Department of Building Inspection  
Secretary to the Access Appeals Commission