



DEPARTMENT OF BUILDING INSPECTION

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

ACCESS APPEALS COMMISSION

MINUTES

Wednesday, January 10, 2007

1:00 P.M.

City Hall

1 Dr. Carlton B. Goodlett Way, Room 416

1. CALL TO ORDER AND ROLL CALL (approximately 1:10 P.M.)

The regular meeting of the Access Appeals Commission was called to order at approximately 1:15p.m. by President Brown.

COMMISSION MEMBERS PRESENT: Ms. Alyce Brown, President
Ms. Roslyn

Baltimore, Vice-President

Mr. Arnie Lerner, Commissioner
Ms. Enid Lim, Commissioner

CITY REPRESENTATIVES:

Mr. Neil Friedman, Senior Building
Inspector,
Secretary to the Commission
Ms. Susan Pangilinan, Recording
Secretary
Ms. Elaine Warren, Deputy City
Attorney
Ms. Doris M. Levine, Reporter

221 MAIN ST. REPRESENTATIVE: Mr. Michael Knauff

2. PUBLIC COMMENT:

There was no public comment.

3. REVIEW OF COMMUNICATION ITEMS:

There were no communication items.

4. NEW APPEALS:

a) Appeal No. 07-01 (PA#2006/1117/8047)

Michael Knauff

221 Main St.

This is an appeal of the denial of an Unreasonable Hardship Request for the lack of the required 8'2" clearance into the parking garage of a downtown high-rise building. The Department has previously approved parking hardships for this building based on Administrative Bulletin AB-007 and on the fact that alternative 8'2" covered van parking was available within 300' horizontally, of 221 Main St.. The 300' was previously measured as a radius. The Department has recently determined that the 300' must be measured as an accessible, straight line distance.

b) Appeal No. 07-02 (PA # 2006/1219/0166)

Jacek Ostova

46 Minna St. This is an appeal of the denial of an Unreasonable Hardship Request for installation of a new mezzanine in an existing A-3 occupancy bar/lounge, without providing an accessible path of travel to the new mezzanine. Approximately 19% of the total floor area of the restaurant will be provided on the mezzanine.

**5. COMMISSIONERS' AND STAFF'S QUESTIONS AND COMMENTS:
(DISCUSSION)**

Commissioners' and Staff's open discussion to identify new agenda *items* (*agendize: 1 California et al: procedure for cases which have been approved with time limitations and are in need of renewal or review*), and current agenda items to be continued to another regular commission meeting, or special meeting. Commission discussion and possible action regarding administrative issues related to access appeals.

**6. PUBLIC COMMENT:
(DISCUSSION)**

Comment time is limited to 3 minutes per person. There was no public comment.

**7. ADJOURNMENT:
(ACTION)**

The meeting was adjourned at approximately 2:50 PM.

Partial detailed meeting minutes for the 221 Main Street case follow. (Note: these detailed minutes are being prepared for the benefit of two new AAC Commissioners, so that they can hear the continuation on September 12, 2007 of the 221 Main St. case #07-01.) After 221 Main St., the decision is noted for 46 Minna Street, appeal #07-02.

Mr. Neil Friedman presented the summary of appeal 07-01 for 221 Main St..

Michael Knauff was sworn in and stated he is representing Douglas Booth Architects for the appeal in question. He brought photographs showing the entrance and the beam that would require structural modifications in order to comply with the 8'-2" vertical clearance for van accessible parking.

He said that Neil Friedman's synopsis highlighted the bullet points that he wanted to make in today's appeal and that he wanted to underscore the fact that they did have a 2003 pre-application approval in place to utilize the van accessible parking at the 75 Howard St. garage.

He further stated that there were no other buildings within the 300 foot radius with parking garages that could be utilized to comply with the van accessible space requirements.

Mr. Knauff also noted that the AAC Packet omitted the consideration of an accessible parking space on the street, at the corner of Howard and Main that is clearly marked with striping and signage by DPT, for parking for disabled persons

Mr. Knauff said that the additional information presented to the commission today, underscores the unreasonable hardship to structurally retrofit the garage at this time.

Commissioner Baltimore asked what was the actual distance along the path of travel from the 221 Main St. garage entrance to the van accessible space at the 75 Howard St. garage, as well as the distance to the accessible St. space parking at the corner of Howard St. and Main St..

Michael Knauff said that the distance along the path of travel from 221 Main St. to 75 Howard St. is approximately 500 feet. He also said that he did not have the measurement to the accessible St. space parking at the corner of Howard St. and Main St. but that he estimates the distance to be about 300 feet. He recalls it to be about half the distance from the 221 Main St. entry to the 75 Howard St. garage.

Commissioner Baltimore asked if the accessible St. space parking at the corner of Howard St. and Main St. was a covered parking space and if the accessible St. space could be moved from the corner to the front of 221 Main St..

Michael Knauff said that the accessible St. space parking at the corner of Howard and Main St. is not covered and that he did not know if it could be moved to 221 Main St. because no one in his office had pursued that option and felt that the space was more than likely being utilized by all three buildings at the site and that no one from his office had looked into providing an additional dedicated St. space.

Commissioner Lerner stated that in the past he had done business with Douglas Booth Architects but nothing related to this project. He asked if Mr. Knauff had any photos.

Mr. Knauff said he had photos only for the entrance to the garage at 221 Main St..

Commissioner Lerner asked what the slope of the sidewalk is, along the path of travel from the 221 Main St. garage entrance to the 75 Howard St. garage.

Mr. Knauff said that the general slope along the path of travel was within 1:12, but that the cross slope from the building to the street in front of 101 Howard St. was greater than 1: 12 because of the existing PG&E vaults in the sidewalk.

Commissioner Lerner asked if there is a back entrance to the building, and if someone could go out of the back of the building?

Michael Knauff said that there is not actually a back entrance per say. There is a covered breezeway that goes along the north side of the building and that has an accessible ramp that goes down to where the radius is shown. The area on the west side of Spear St. near Howard St. is one of the areas where there actually are some sidewalk sloping issues due to PG&E vaults in front of 101 Howard St. This is why the accessible path of travel goes around to Main St. easterly along Howard to the garage.

Commissioner Lerner asked if there is covered accessible entrance at Spear St.

Michael Knauff said that there is. From the Spear St. side, there is a ramp up and then there is a covered breezeway around the north side of the building to the main entrance. There is actually one set of entry doors to the building which is where you see the dash line starting. There is a breezeway and a plaza so there is not an obstruction.

Commissioner Lerner asked why did you not draw the path of travel using the breezeway at the rear of the building?

Michael Knauff said that they felt that it was a better use of the sidewalk space along Main and Howard because there are some sloping issues on the Spear St. side. Again, it's a cross slope and it's not actually a straight line slope.

Commissioner Lerner asked if Howard and Main St.s do not have the 1: 12 cross slopes.

Michael Knauff said that was correct.

Commissioner Lerner asked how long ago were the previous hardships filed?

Michael Knauff said the first hardship was filed in 2003 when the pre-application meeting notes were approved. Since then, there have been probably half a dozen t or more plans that have been submitted and approved by merit of the pre-application meeting that was signed off by inspector Spencer Gosch.

Commissioner Lerner asked if 75 Howard is a parking lot or a garage and whether the entrance has an 8'-2" clearance?

Michael Knauff said that it's an interior public garage and has an 8' – 2" van height clearance.

Commissioner Lerner asked is the van accessible space at 75 Howard St. is a dedicated space for 221 Main.

Michael Knauff said that the van accessible space at 75 Howard is not a dedicated space to 221 Main St and per the lease agreement the van accessible space is based on a first come first served basis.

Commissioner Lerner asked whether the dedicated space at 75 Howard St. guarantees a space for a van user from 221 Main St.

Michael Knauff said that there is not an alternate, guaranteed, dedicated accessible parking space for 221 Main St.

Commissioner Baltimore asked how many van accessible spaces are in 75 Howard St.

Michael Knauff said there is one van accessible space.

Commissioner Baltimore asked if Mr. Knauff had any idea as to what the usage of the one space has been.

Michael Knauff said he don't know the frequency of the usage.

Commissioner Baltimore, said she would be willing to grant the hardship but only if the appellant returned with more information so that the AAC could evaluate the situation. She asked if there can be another disabled parking space added onto the street space parking.

Michael Knauff wanted clarification as to whether this meant adding another accessible spot at the garage or at the street.

Commissioner Baltimore wanted to know the frequency of use of the accessible parking space at 75 Howard St. and if there is adequate signage at the 221 Main building which refers to 75 Howard.

Michael Knauff said the building has a directional sign.

Commissioner Brown said that in the photos that were distributed, there was no signage that refers to accessible parking. She wanted to see more photos and also make a site visit to see the path of travel. She asked if it were possible to get a dedicated space not only on the street, but at 75 Howard St. Her opinion is that unless the space is dedicated, it is the same as not having a space.

Commissioner Lerner said he has the same opinion as Commissioner Baltimore, regarding dedicating the space. He stated that in previous projects the appellants have either purchased the space or had a long term lease for the space that was dedicated for the use of their building. That is what he would like to see in this case. He did not think that 221 Main was providing a space even though it was approved in the past. He is not so concerned about the 300 foot straight line because it seems to be a level path. This is as opposed to as if this were on Bush St. and one had to go up a hill for 50 feet. He said that would be worse than going 500 feet where the path of travel is level. He said that the fact is that there is no space there and no guarantee of a space. He asked if the building

owner tried to lease the space and if not, what's the problem with not doing it, or have they just not tried to lease it because it hasn't been required.

Mr. Knauff said that he did not think that this issue has ever been presented to the building and that they have not had to actively redirect people to that space. He said that to the best of his knowledge, the ownership has never tried to go beyond the agreement letter that was past of the original pre-application meeting.

Commissioner Lerner asked Mr. Friedman if the administrative bulletin (AB-007) required that an offsite parking space has to be dedicated to the building requesting the hardship.

Mr. Friedman said there was no such requirement in the Bulletin.

Commissioner Lerner asked if the space can be used by anyone.

Neil Friedman said that anyone could use the space.

Commissioner Baltimore said well I think that you have brought up another point which is maybe that we need to have some input into the administrative bulletin if you want the space to be dedicated and if the applicant is following the administrative bulletin than the Commission needs to address that issue. She stated that she would be a little more lenient especially given that the administrative bulletin is not explicit . The appellant should come back next time and that they should not be granted any right to have additional permits issued under this decision until they come back. She also wanted to schedule a discussion of that administrative bulletin.

Commissioner Lerner said that it doesn't seem clear that someone pulling up to the front of this building would be able to find this parking space. Therefore, the appellant needs to bring back some sort of documentation showing, ore signage or otherwise tell the AAC when it is in place, so that they can see it .

Commissioner Baltimore said that an issue that needs to be resolved is, if someone sees the sign at 221 Main and drives to 75 Howard, if the space is taken, there would be no way for the driver to know that in advance. Also, there are no apparent options in that situation. She stated that his needs to be resolved.

Michael Knauff said the signage that the building has would be installed at the top of the ramp so it would be visible before someone in the van would pull down the ramp and not be able to park.

Commissioner Baltimore said she was referring to a situation in which someone sees the sign and then goes to Howard St. and finds that the parking space there is not be available.

Commissioner Lerner said there needs to be signage on the 221 Main St. building that describes the situation very clearly. It needs to be large enough so that someone can read it from a distance or see it at the curb.

Michael Knauff said I believe that the pre-application meeting had also established that the visual distance was 7 feet and which would probably correlate to the distance from the edge of the sidewalk to where the actual sign would be posted.

Commissioner Brown asked if there were a resolution here and if someone wanted to make a motion on this.

Commissioner Lerner said that we would need more information on the signage and that would he make a motion to table this appeal until the appellant has an opportunity to come back, possibly in two weeks (at the next meeting).

Commissioner Lerner asked if the appellant could come back and show the current signage.

Michael Knauff said that the signage was not installed now but that the building ownership was in possession of the signage but it was not up for some reason.

Commissioner Lerner asked, when would the signage be installed

Michael Knauff said that he would follow up with the building ownership today and notify the AAC.

Commissioner Lerner said that if the signage could be up within one week that the Commssioners could drive by and see the signage themselves.

Michael Knauff asked whom he should notify?

Commissioner Lerner said to notify Mr. Friedman when the signage is up and that the AAC can tentatively schedule this appeal in two weeks. His motion is that the AAC can table this for two weeks pending Mr. Friedman getting information that the signage is up within the next week, and if its not, then the AAC would table this until the next meeting after that.

Deputy Attorney Warren said that she thinks that she would want to continue this appeal rather than table this if you want to take this up in two weeks.

Commissioner Brown asked if Michael Knauff were going to attempt to get another disabled parking space on the street. in front of the building.

Michael Knauff said that if that's a recommendation of the commission that he could indeed follow up on the disabled parking space on the street.

Commissioner Baltimore said that she personally would rather discuss the issue of the dedicated space in the garage than another parking space on the street.

Commissioner Brown said that administrative bulletin applies to an alternative parking space and not a dedicated parking space

Commissioner Baltimore said that the Commission can also deal with the administrative bulletin too. The reason that she feels that is not as good is because when there is a disable parking space (on the street) that it is open to everybody with a sticker and not just the people with the high van and that those spaces tend to be taken rather quickly, especially in the down town area. She is not sure that it would provide an adequate alternative and would prefer to see a discussion with the garage with a dedicated space.

Commissioner Brown stated that she only suggest the disabled street space parking to cover all the ‘bases.’

Mr. Friedman requested that the Commissioners give clear direction to the appellant about what the Commission wants him to do.

Commissioner Lerner said that his motion was to continue this appeal for two weeks, contingent on the appellant providing the Commission (within the next week) the documentation that the signage on the building and the signage on the garage are clear to anyone who would be driving up and looking for a space.

Mr. Freidman said that he understood that part but that President Brown and Vice President Baltimore added things after the motion.

At this point a conversation took place among the Commissioners, touching on several topics associated with the text of the administrative bulletin and its lack of clearly defined language. It did not give clear direction to anyone attempting to utilize the bulletin. This resulted in unfair requirements regarding the 8’-2” requirement for high vans for disabled parking.

A motion was made by Commissioner Brown requiring the appellant to return in two weeks with adequate documentation and photos representing the appearance of the signage that is to be installed at the garage entrance at 221 Main St. The motion passed on a vote of 4-0 (there are only 4 sitting Commissioners at the date.)

Appeals case #07-02 for 46 Minna St., also known as 2 Shaw Alley, was heard next.

After consideration of the issues and evidence presented in this matter, the Commission voted 4-0 (again, there are only 4 sitting Commissioners at the date.), on a motion by Commissioner Baltimore, to grant the Unreasonable Hardship Request to install the new mezzanine, as noted above. This decision is based on the facts that the mezzanine is code compliant per California Building Code (CBC) Section 1120B.1, Exception 2.

COMMISSIONERS QUESTIONS AND COMMENTS:

Commissioner Lerner asked if there was any development on the consent calendar process.

DCA Elaine Warren said that she was working on something and sent it over to Mr. Friedman to have a look at it. She believes it is on the calendar to discuss at the next meeting. It should go out for review in about a week or so.

The Commissioners asked about the whereabouts of the City Form 700 that need to be filed by April 1.

The Deputy City Attorney mentioned she would follow up with Mr. Friedman on this.

Commissioner Brown said that they are to be appointed to 4 year terms.

7. PUBLIC COMMENT:

The being no further business the Access Appeals Commission adjourned at 2:50 p.m.

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