

CITY OF PITTSBURGH/ALLEGHENY COUNTY
TASK FORCE ON DISABILITIES
May 16, 2011
MINUTES

Location: First Floor Conference Room
Civic Building, 200 Ross Street
Pittsburgh, PA

Members Present: Paul O'Hanlon, Chairperson, Janet Evans, Sarah Goldstein, Richard McGann, James C. Noschese, John Tague

Members Absent: Aurelia Carter, Linda Dickerson, Milton Henderson, Liz Healey, Jeff Parker, Katherine D. Seelman,

Others Present: Judy Baricella, Lester Bennett, Adolphine Birescik, John Carter, Gerhardt Egri, Dianne Gallagher, Elijah Hughes, Larry Hockenberry, Bob Kohlmeyer, Chuck Keenan, Jeanne McNally, Richard Meritzer, Joe Wasserman

The meeting was called to order by Mr. O'Hanlon at 1:00 PM.

ACTION ITEMS

Review and approval of financial report

There are no significant changes on the financial report. There are no expenses. The balance is \$2586.69. Some additional money will be spent towards strategic planning retreat which will come on this Saturday. The next financial report will reflect those expenses.

The interpreter expenses is negative on the financial report, 213 and 2800 in the account, Mr. Wasserman asked if it could be taken out of there and put it in to increase interpreter's budget or leave it alone.

The next year's budget will adjusted based on this year's budget. The amount on CART will be reduced because it doesn't need to spend so much on that. Accordingly, the amount on interpreter will increase based on this year's number.

DISCUSSION

Downtown Open Spaces

The discussion is regarding the city zoning code for open urban spaces. Susan Tymoczko was invited to this discussion. The city zoning code requires the developer to have certain amount of land allocated to be open urban spaces for the use of public so that the downtown area will not be densely packed and there is some room for people.

The article from Post Gazette in September 2010 released meaningful information of legal requirement of open urban spaces for Mr. O'Hanlon. He shared his story happened in the area near EQT Town which should have been an open space for the public. He wants to open the floor for discussion to at least educate the Task Force the issue and to ensure someone could take responsibility on it if it is designed for the public. The last thing he mentioned about is privatizing the public area at the gateway of plaza as a dining area.

The guest, Ms. Tymoczko, the City Zoning Administrator and the Director of Land Use and Development Administration Division, used to be in land use development. She worked on that division for number of years before being promoted. So she has been involved not only in this code, but also in previous code. She's seen the transition. She is responsible for the staff that requires this for developers. So she is the one to explain the requirement to both developers and often the planning commission.

Ms. Tymoczko gave background of the topic. First of all, public space which the zoning code regulates as private property is distinguished from the public space such as side walks, etc. The zoning code doesn't regulate streets and side walks. What they do is to regulate private property. It has been many years since early 1980s. The zoning code for new construction in downtown (Golden Triangle District) requires the developer of private property provide a minimum amount of open space. The adoption of it dates back to the era of construction places like Oxford, The CNG, The EQT building, Mellon, etc. The buildings where built before that era may not have that requirement. Originally, the requirement is 20% of the site. Today it reduced to 10%. So, the new construction of downtown area must provide at minimum 10% open space. There are different ways you can provide it. If there are proposals, alternatives from any other zoning code, too. You can always appeal it when you ask for variance. In general, new construction downtown since that time has provided some kind of public open space.

So the question becomes what does it mean? The definition of requirement in the zoning code is not clear. The article refers to some specific standard, for instance, landscape scene, street furniture. They are not really in the zoning code. They are in other guidelines. But Ms. Tymoczko said the story of Mr. O'Hanlon, the open space fenced near EQT Plaza violated zoning code. Anytime if anyone finds the similar story, he can report to the building inspector, they inform the zoning.

The idea behind the zoning code may be came from an urban design background and happened before the time when Ms. Tymoczko was involved in. The example of EQT Plaza is particular. It is approved a renovation plan many years. They requested for closing from 11 PM to 5 or 6 AM including weekends. The planning commission agreed with that. But anytime before that, it should be open to the public.

Mr. O'Hanlon pointed out that since the ownership of EQT Plaza has been changed, does the current owner understand the zoning code. Ms. Tymoczko believed that the new owner went through the renovation process and the manager should be aware of that. Automatically, the owner has the responsibility of complying with zoning.

Mr. McGann joined the conversation. He asked if KDKA TV the owner of Gateway Center. Ms. Tymoczko was not sure about this. Mrs. McGann questioned whether the buildings before 1980s need to support and follow these rules and regulations she mentioned before since the regulations was set up in early 1980s. It seems not to be strict for everyone. He suggested improving the communication with them. Ms. Tymoczko said it is on case-by-case basis. They need to research the original files of the buildings to find what the actual condition of that time. Different authorities may also be involved in it, for example, URA.

Mr. Tague wondered if Gateway Center would now are allowed to build gates. Ms. Tymoczko said probably not, but she still needs to look at the original approval.

Ms. Evans asked if she saw a fence around the open space, who she should contact. Ms. Tymoczko said the best way is to contacting zoning office directly. Tell them the location first. Street addresses are always the best or even better, like a block or county. They could use this direct address to figure out the reason why it is blocked.

Mr. Wasserman said upon the ownership changes, when they buy a new property, doesn't they follow the current law? The answer is not suitable for this. The approvals should stay with property. So previous approvals, previous conditions stay in general under zoning with property. So once the construction was approved, even the ownership changes, it doesn't matter.

On the issue of privatizing the open space into dining area, Ms. Tymoczko explained that because the definition of open space is kind of vague, the lately issue comes up is outside dinning. New restaurants of the building want to take the advantage of open space if it is available. If it is temporary, for example, they take chairs and tables for a night and the space is open in the rest of the time, it may be something that qualified under the code. If the owners or folks want to use the open space permanently, they would not be allowed. They need to ask for variance.

Speaking of the enforcement of the zoning code, who has the responsibility of ensuring that? The answer is building inspection and their building inspector enforces the zoning code as well as the building code. They focus where they compliance.

Mr. Wasserman concerned about whether an inaccessible building would be accessible when ownership changed. Mr. Meritzer replied to that, all buildings are required to be accessible under the ADA. It doesn't matter who owns that building. The city can enforce that if they come in for a city permit for major renovations or if they are changing use categories under the federal code, not under city code. Because the city code doesn't require it, the federal code does. Unless the city code changes the requirement, we start with what ADA said.

Mr. McGann said when deaf-blind people stand in the intersection of streets; they can't hear what the police said until they come to them. He still emphasizes the importance of improving the communication about the compliance, because people are complaining about that.

Every section of Gateway Center stands a sign, saying "Private Property, No allowed in". In EKQT Plaza, the same thing happens. Mr. O'Hanlon asked if doing this is not allowed in open space. Ms. Tymoczko said not in their code. And he asked further if he wants to trigger these signs, who he should report to. The reply is 311 and they will give a tracking number and it is the best to follow up.

To clarify of the reporting procedure, if someone finds any fence closed in the downtown area where supposed to be an open space at particular time, he can call 311 or contact zoning office. The zoning office will not directly get feedback immediately. But they get the information and they will go back to the original file and do research on that. If you want to be able to track it, you can get a tracking number. They will call back.

Mr. McGann asked if Mr. Meritzer has set up the TTY system on 311. He replied they said they had TTY system. He will check on that.

One problem related to that is no bus stops near any cultural district in downtown Pittsburgh because the buildings don't want it. The Task Force thinks it a big issue. Ms. Tymoczko explained that it is a more variety of issues which has to do with port authority and city public works. There is a process working on how bus located on it, but she is not familiar with that.

To address the question of who is the champion behind the zoning code of that time, Mr. Meritzer suggested checking the legislation to see.

Concerning about the bus stop issues, Mr. McGann wants to contact Public Safety, which deals with any barriers the disability community encounter. Mr. Meritzer said that it's not Public Safety, but Public works has to do with this. Downtown businesses through the Pittsburgh Downtown Partnership, and Public works, and the Task Force and the city of planning attempted to have a meeting on this issue. But Port Authority said they will adjust all bus stops next year and there is no need to talk it now, the downtown partnership postponed this meeting indefinitely.

Mr. Tague insisted it was the city's responsibility, not downtown partnership's to deal with this issue. It becomes a political situation here. Mr. O'Hanlon asked if the downtown partnership is not willing to meet with the task force, what should be done instead. Ms. Wasserman suggested boycotting Market Square to get cooperation. They have a little more influence than the Task Force.

Ms. Baricella suggested the sign should be changed to say "you can wait the bus there" instead of "not allowed in". Mr. Tague and Mr. O'Hanlon clarified that they are talking about one stop in Wood Street.

Mr. Hockenberry put forward a point that there is no place for wheelchair in shelter bus stop because of the bench there. He advocated an accessible space in shelter bus stop. Mr. O'Hanlon added it depends on the shelter. Some have, some don't.

Mr. Meritzer said the contract between the city and the bus stop firm is renovating now. In the previous contract, it is a requirement that the shelter should be accessible. He will make sure that the new contract will offer necessary accommodations. If the shelter has no accessible space, it must be a very old shelter. Mr. O'Hanlon said the place like Beach Blvd stands shelters that don't have space for wheelchair in the both sides. It is obviously not a very old shelter. Mr. Meritzer will fix the problem by ensuring accessibility requests on the new contract and by collecting the opinions if someone found an inaccessible shelter.

Mr. McGann asked who is responsible for researching the bus stops and measurements. Mr. Meritzer responded that the designer of the shelter, the public works and the port authority are jointly involved in. His main responsibility is making sure accessibility requirements are in the new contract, for example, when real-time bus information is available; the signal will be audible or accessible.

Explaining the new contract, Mr. Meritzer said curb ramps are not in the contract, it is the responsibility of public works. The public works would put in curb ramps quickly and if any requests, let Mr. Meritzer know.

Mr. O'Hanlon added if the curb and bus shelter are very close, there is no room for him to fit his chair between the shelter and the curb to get into. The response to it is that is already in the requirements. But Mr. Meritzer will double check it.

Mr. McGann asked if Mr. Meritzer could invite public works people to the task force meeting and discuss about it directly.

Mr. Meritzer would try to get people from the public works, port authority and staff in mayor's office who is doing the new contact to the meeting. Mr. McGann suggested inviting the newspaper and television to the meeting with port authority and public works. People are concerning about this.

UPDATE

Comprehensive Plan

Mr. Meritzer gave a brief introduction of update of comprehensive plan.

Open Space PGH

This is the first section the city start. They did an interesting exercise of letting people to decide what projects they want to have by putting virtual money (budget) on that. The ideas and suggestions of projects came from previous meetings and consultant review. It is in the process of being evaluated now. Once that finished, there will be a draft report which will be for internal review and probably will be out for public review this fall.

Preserve PGH

This is the historic Preservation part of the plan. Mr. Meritzer sent the wrong document because he didn't notice that it was in the process of internal review. He read the actual draft and made some changes to strengthen the accessibility of it. In some point of this summer, it may be out for public review and he will inform the task force.

Move PGH

This is a plan which Mr. Tague is involved in. There are several components within in, a general transportation component, bicycle/pedestrian component. Both components have identified consultants, which is put on the contract and they are in the process of gathering data right now. A focus group meeting will soon come up.

Art PGH and Design PGH

They are being done cooperatively. Mr. Meritzer is on the supervisory committee of that project. Carol Cocuzzi is the expert from the accessibility perspective. She is on the Design PGH. Kristy Trautmann of the FISA Foundation is on the art perspective of it. Meritzer is working on the both. They are in the process of selecting a consultant. Mr. Meritzer was on the consultant selection committee made a number of requirements that they meet. From the accessibility perspective, Mr. Meritzer will require accessibility when they apply for a building permit. For example, he may require visible door knockers for residential property, or FM loops for all public buildings. He needs help from the task force with this focus.

Mr. McGann commented that many buildings have a microphone system going to different departments in a building. It could be used by low-hearing people, but can't be utilized by the deaf. Mr. Meritzer will look into that.

The comprehensive plan is not the building code. It doesn't give the city any more authority than it currently has. Getting the changes into the code, the city has to amend the code.

Mr. McGann asked if the building owner ignored the building code, how to enforce them. Building codes are enforced by the Bureau of Building Inspection. But the Building Code is not the ADA. The city has no power to enforce the ADA on existing building since the ADA is a federal civil rights law. However, the developer of the new building will come to get the advice of accessibility when they apply for the permit.

Back to the consultant selection process, we have three perspective consultants. The committees have sent out additional questions to them and are waiting for their responses. When they get the responses and review them, hopefully, they will make a selection. Hopefully, it will happen late summer or early fall. Once they have a consultant on board, they will start public outreach portion of it. The interesting thing of this project is the city required an artist coordinate the outreach component.

Work PGH, Power PGH and Live PGH
They have not been started until next year.

Facilities PGH
Public works is coordinating. We are looking all the facilities to determine which are to be kept, which to be sold, which to be mothballed. Accessibility will be a key component of that.

Learn PGH
The city has little control of that. They want to do the guidelines.

Land Use PGH
The zoning one is the big one. It is going to look at the Urban Design Zoning Code which is passed in 2000 and look at it based on what changes have been made.

The meeting was adjourned at 3:00 PM

THE NEXT TASK FORCE MEETING

DATE: June 20th, 2011
TIME: 1:00 P.M.
LOCATION: Large Conference Room
200 Ross Street