



Commission on Disability Agenda (Special Meeting)

Wednesday, August 9th, 2023, at 5pm

**North Berkeley Senior Center (Aspen Room)
1901 Hearst Avenue, Berkeley, CA 94709**

Teleconference location: 1806 Addison Street, Berkeley, CA 94703

Preliminary Matters

1. Call to Order by Chair Fischer
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
4. Public Comments
The public may comment about any item not on the agenda. Public comments are limited to three minutes per speaker. Public comments regarding agenda items will be heard while the Commission is discussing the item.
5. Approval of draft minutes for 7/12/23 meeting*
6. Approval and Order of Agenda

Staff Updates

1. 2023 Log of Access Complaints*
2. email to CoD re Willard Clubhouse*
3. email to CoD re Berkeley Art Center*

Commissioner Reports/Announcements

1. California Commission on Disability Access (CCDA) meeting in San Jose on 8/31 and Chair Fischer's conversation with CCDA ED April Dawson.

Discussion/Action Items

Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.

1. How can the Commission on Disability best serve Commissioners and members of the public who, having received an accommodation to do so, are participating remotely? What additional tech might be needed? How is the Zoom Waiting Room being monitored? Are there other issues to consider?

Facilitator: Chair Fischer. Time estimate: 15 minutes.

2. Continue discussion and begin formulation of FY23-24 Work Plan.

Facilitator: Chair Fischer. Time estimate: 60 minutes.

Carried Over & Potential Items for Following Months

1. Civic Center Subcommittee Briefing
2. Safer pathways map of Berkeley (perhaps produced with CoAging)

Adjournment

- * **Indicates written material included in packet.**
- ** **Indicates written material to be delivered at meeting.**
- *** **Indicates written material previously distributed.**

Agenda posted: (1) on the bulletin board at Old City Hall at 2134 MLK Jr. Way, (2) at 1901 Hearst Avenue (i.e., North Berkeley Senior Center), and (3) on the City of Berkeley website.

A complete agenda packet is available for public review on the web at <https://berkeleyca.gov/your-government/boards-commissions/commission-disability>, at Berkeley's main library, and also at 1947 Center Street, 4th Floor, during business hours.

COMMUNICATION ACCESS INFORMATION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the **ADA Program Coordinator at 981-6418 (V) or 981-6347 (TDD)** at least 72 hours before the meeting commences. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:
Thomas Gregory
Public Works Department
(510) 981-6418

Mailing Address:
Commission on Disability
c/o Thomas Gregory
1947 Center Street

E-mail: tgregory@berkeleyca.gov

Berkeley, CA 94704



DRAFT minutes re 7/12/23 CoD meeting...the ***DRAFT*** minutes below are printed in bold italics...all other language is the meeting's agenda as originally published.

**Commission on Disability
AGENDA
Regular Meeting**

Wednesday, July 12, 2023 5:00 PM

**Location: 1901 Hearst Avenue, Berkeley, CA 94709
(North Berkeley Senior Center)**

A. PRELIMINARY BUSINESS

1) Call to Order by Acting Chair Walsh

On behalf of Acting Chair Walsh, who was not present, Commissioner Sun called the meeting to order at 5:05pm. Then the following vote was held:

Motion: “that Commissioner Sun serve as this meeting’s presiding Commissioner until such time as a Chair is elected.”

Made by: Commissioner Sun.

Seconded by: Commissioner Lewkowicz

Ayes: unanimous.

Nays: none.

Motion passes.

- 2) ***Land Acknowledgement:*** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also*

recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

3) Roll Call by Secretary

Commissioners present: Rena Fischer, Mina Sun, and Bonnie Lewkowicz.

Commissioners absent: Helen Walsh and Kathi Pugh.

Public members present: Bob Holloway and George Porter.

Staff present: Thomas Gregory and Guillermo Campos.

**4) Public Comment on Items Not on the Agenda.
(Up to 3 minutes per speaker)**

George Porter spoke about the potential for productive collaborations between the Commission on Disability and the Commission on Aging (of which he is a member).

Bob Holloway noted the importance of access in Berkeley and the importance of the Commission on Disability's work.

5) Approval of Draft Minutes for June 7, 2023*

The following vote was held:

Motion: "to approve June's draft minutes, as edited to list remote locations with their addresses."

Made by: Commissioner Sun.

Seconded by: Commissioner Lewkowicz.

Ayes: unanimous.

Nays: none.

Motion passes.

6) Approval and Order of Agenda*

The following vote was held:

Motion: "to approve the agenda as is, with the caveat that earlier agenda items need to be addressed mindful of the time necessary to adequately cover all items on the agenda."

Made by: Commissioner Lewkowicz.

Seconded by: Commissioner Fischer

Ayes: unanimous.

Nays: none.

Motion passes.

- 7) **Staff updates re: (a) Commissioner training video on City website, (b) more screen-reader-friendly version of Manual coming, (c) new RFP process re Measure E contract, and (d) ADA Transition Plan due to Caltrans in October.**

B. DISCUSSION/ACTION ITEMS

The public may speak about any agenda item, and members of the public will have an opportunity to speak prior to any voting regarding an agenda item. (Comments may be limited to 3 minutes per speaker)

1. Nominations and vote for Chair (Action)

Following a process by which all Commissioners in attendance were able to nominate any/all attending Commissioners as candidates for Chair, the following roll-call vote was held:

Motion: “to approve Commissioner Fischer as the Commission on Disability’s Chair.”

Made by: Commissioner Sun.

Seconded by: Commissioner Lewkowicz.

Commissioner Fischer's vote: aye.
Commissioner Sun's vote: aye.
Commissioner Lewkowicz' vote: aye.
Motion passes.

At this point in the meeting, Commissioner Fischer became Chair Fischer and assumed responsibility for presiding over the remainder of the meeting.

- 2. Should the Berkeley Commission on Disability improve meeting accessibility by changing the meeting time, monthly schedule, and meeting location to the North Berkeley Senior (NBSC)? (Action)**

The following vote was held:

Motion: "to change regular CoD meetings to 5pm (from 6pm) on 2nd Wednesdays (from 1st Wednesdays), to change the in-person meeting site to NBSC if possible, and to schedule a special meeting for August of 2023 (for 5pm on second Wed of August)."

Made by: Commissioner Lewkowicz.

Seconded by: Chair Fischer.

Ayes: unanimous.

Nays: none.

Motion passes.

The secretary then pledged to promptly make best efforts to secure the desired new venue.

- 3. Continue to Review the previous year's Commission on Disability work Plan. Discuss and determine next steps for the final draft of the COD work plan for 2023-2024. *Include work plan in packet**
- 4. Open discussion on creating an effective, representative Commission on Disability with logistical practices and communication policies that comply with both the ADA and the Brown Act. A. Update from the secretary about the projects that they are working on. (Discussion)**
- 5. ADA Grievance complaints sent in to ADA Programs Coordinator. What has been resolved and what are still in process of being resolved.***

Re the "2023 Log of Access-related Complaints Received by CoB" (a document contained in the materials packet for this meeting), the Commissioners present expressed that they would have liked to have seen more detail. In the future, Commissioners would like as much specificity as possible when receiving info about access-related complaints lodged with the City in order to best gauge and track accessibility issues that the community confronts. Names and

other private information should not be divulged in order to protect individuals' privacy.

C. Announcements

- 1. Acknowledgement of the July 26, 2023 Americans with Disabilities Act (ADA) 33rd Anniversary #Thanks to the ADA!**

D. ADJOURNMENT:

The following vote was held at 7:30pm:

Motion: "to adjourn tonight's meeting."

Made by: Chair Fischer.

Seconded by: Commissioner Lewkowicz.

Ayes: unanimous.

Nays: none.

Motion passes.

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A complete agenda packet is available for public review on the web at:

<https://www.cityofberkeley.info/Clerk/Commissions/Commissions Commission on Disability Homepage.aspx>

Available also at the main library, and Public Works, Engineering Division, 1947 Center Street, 4th Floor.

ADA Disclaimer

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If you do not want your contact information included in the public record, please do not include that information in your communication.

Please contact the secretary to the relevant board, commission or committee for further information.

**Commission Secretary: Thomas Gregory, ADA
Program Coordinator, 1947 Center St., 4th Floor,
Berkeley, CA, 94704, Telephone (510) 981-6418, Fax:
(510) 981-7060 TDD: (510) 981-6347.**

Email: tgregory@cityofberkeley.info

Email: ada@cityofberkeley.info

2023 Log of Access-related Complaints Received by CoB

Subject matter key:

1 = built environment (facilities and their adjacent paths of travel)

2 = built environment (pedestrian rights of way)

3 = digital content

4 = effective communications/signage

5 = programs, services, and activities

Date Complaint Lodged	Lack of Access Pertaining To	Date the City felt a solution was implemented
1/24/23	5 – wants Human Welfare & Community Action Commissions to return to hybrid meetings for purposes of accessibility.	1/27/23
1/30/23	1 – barriers along access route at Addison & Bolivar.	3/14/23

2/7/23	2 – overgrown tree limb impeding pedestrian right-of-way.	2/24/23
2/16/23	5 – request to conduct Parks-n-Rec-n-Waterfront Commission meetings in more acoustics-friendly venue.	2/20/23
5/24/23	1 – request more accessible parking near Cesar Chavez Park.	5/30/23
6/8/23	3 – Commissioners' Manual not fully accessible via screen reader.	not yet
6/8/23	3 – Commissioners' training video not fully accessible via screen reader.	6/14/23
6/8/23	3 – same as above, but with additional concern that	6/14/23

	much more content on City website could be out of compliance with WCAG.	
6/16/23	5 – grievance that following Brown Act would defeat the purpose of one’s accommodation to teleconference into Commission meetings.	6/21/23
6/23/23	5 – letter from attorney saying that the City must allow Brown Act obligations to yield to ADA obligations when the two statutes appear to conflict.	7/7/23
7/26/23	5 – no curb cut connecting parking lot with sidewalk adjacent to John Hinkle Park.	not yet

The above list does not reflect accommodation requests that were promptly approved and met to the requester's satisfaction.

Wilcox <wilcoxberkeley@yahoo.com>

To:

- Lori Droste <loridrostevotes@gmail.com>;
- Hillegass Ave <hillegass-ave@googlegroups.com>;
- Gregory, Thomas

Fri 7/21/2023 10:53 AM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To -

Secretary for the Commission on Disability -

Please include this message in the next packet for the CoD

- - -

To -

Lori Droste

In the email message you sent supporting the proposed Willard Club House, you state -

"The current clubhouse is not fully ADA compliant. Ensuring that City facilities are accessible to all is an equity issue and essential for complying with federal law."

You also list City Commissions who have reviewed the plans. Even though Americans with Disability Act compliance is one of the issues being addressed, Berkeley's Commission on Disability is not one of the commissions mentioned as being part of the discussion.

This message is not a comment on the Willard Clubhouse make over. It is a response to the low priority given by some decision influencers in the City of Berkeley to people with real physical challenges - because, at best, the upgrades may only be to meet the specifications in the ADAAG manual, first issued in the early 1990's. We could have more, even if it is some extra signage!

Get the input of people who realize disability exists and need accessible facilities. According to the CoB website, the CoD has been meeting regularly.

Emily Wilcox
Berkeley

Gregory, Thomas



To:

- Margot <Margots999@sonic.net>
Fri 7/28/2023 1:44 PM

Hi Margot,

Thank you for bringing this issue to my attention. I will share your message with the full Commission on Disability at its 8/9/23 meeting (and I will share your message with the Commission's Chairperson today).

I presume you are referring to the Berkeley Art Center at 1275 Walnut Street. That center is owned and operated by a private nonprofit. The City originally owned and operated that center, but this has not been the case since the 1970s.

Because the City does not own or lease the facility and does not control any programming at the center, the City has no authority for enforcing ADA compliance at the center. Per the City's Disability Compliance Program webpage (<https://berkeleyca.gov/your-government/our-work/disability-compliance-program>):

REPORT PRIVATE BUSINESSES

The City of Berkeley does not enforce disability compliance for private businesses or landlords. To file a complaint, contact one of the agencies listed below:

- [Report a Civil Rights Violation](#) with the US Department of Justice
- [File a complaint](#) with the California Department of Fair Employment and Housing
- [File a complaint](#) with the US Department of Housing and Urban Development

The below organizations may also be able to assist with your case:

- [Disability Rights California](#)
- [Disability Rights Education & Defense Fund](#)
- [East Bay Community Law Center](#)

The links immediately above will likely not work for you. However, if you go to the actual webpage (see the link further above), the links will work. If you would like to report this matter to a governmental agency, the first link (i.e., the one to the US Dept of Justice) would be the appropriate link (as this matter pertains to Title III of the ADA rather than housing or employment or urban development).

Best,

Thomas Gregory / ADA Program Coordinator

City of Berkeley, Public Works Department
1947 Center Street, 4th Floor
Berkeley, CA 94704

(510) 981-6418



Margot <Margots999@sonic.net>



To:

- Gregory, Thomas
Fri 7/28/2023 1:05 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Commissioners on Disability,

Saturday I visited the City of Berkeley's Art Center on Walnut Street to view the fine work of Art Center members, so carefully juried. But was disappointed in that I could not identify who did what.

There were some tiny pins with numbers by each work too small for me to read, no name of the artist, title of their work or the medium. I cannot help but feel the artists must be offended in that their work was not visibly identifiable to old and disabled viewers like me. The Booklet did not help since I could not read the numbers and was not handy. I should not have to work that hard to know who the artists are.

It would be such a small task to put a label by each work with the artist, the title and the medium. I hope that you will bring this to the attention of the curator and the Art Center Board. Surely, the Art Center staff must be aware of ADA necessities.

Very truly yours,
Margot Smith
An art lover

Margot Smith
510-660-5508
1300 A Shattuck Ave
Berkeley, CA 94709
Margots999@sonic.net



Commission on Disability

INFORMATION CALENDAR

October 11, 2022

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Michai Freeman Chairperson, Commission on Disability

Subject: Commission on Disability Fiscal Year 2022-2023 Work Plan

INTRODUCTION

The Commission on Disability is submitting the fiscal year 2022-2023 Work Plan.

CURRENT SITUATION AND ITS EFFECTS**Commission on Disability ▪ Fiscal Year 2022 Annual Workplan****1. COVID Management and Recovery**

Track developments and impacts from the Covid-19 pandemic, including but not limited to: disproportionate health impacts for people disabilities; consequences for health care providers; disruptions in disability supports (e.g. reduction in small businesses providing necessary products and services); increase in Berkeley residents with long-term disabilities due to post-Covid complications; and reduction in city budgets for services and infrastructure improvements (e.g. sidewalk repair efforts). Engage relevant city departments, request presentations and gather community feedback. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

2. Improved Transportation and Mobility

Continue efforts related to the “navigable cities” framework for safe, accessible pedestrian pathways and other transportation infrastructure, including appropriate street layouts in redesigned transportation corridors. Also ensure universal accessibility of relevant applications, kiosks, ride-sharing services, Transportation Network Companies (TNCs), bikes and scooters (including shared mobility), and “emerging technology” such as automated vehicles (ATVs). Address public transportation concerns and safety, including budgets and onboard safety related to the Covid-19 pandemic. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

3. Public Input and Public Outreach for COD

Implement communication channels with other city Commissions; pursue “cross-membership” with other commissions, where COD members request to be appointed to other commissions with vacancies; prioritize commissions whose coverage affects

people with disabilities (e.g. peace & justice, zero waste, planning, homelessness, etc.). Raise awareness of COD within the disability community and relevant stakeholders (e.g. neighborhood and business associations) and invite community members and stakeholders to attend COD meetings. Outreach should include opportunities for community members to request accessibility modifications, including for remote meetings (e.g. captioning on Zoom). Develop a consistent process and timeframe for community engagement. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

4. Engagement and Advisory Role for City Processes

Increase outreach and requests for timely presentations and information from City of Berkeley staff and other relevant officials (e.g. at the county or regional levels). Utilize the Commission on Disability as a public forum and oversight body, especially in the face of unprecedented challenges during the continuing Covid-19 pandemic and recovery therefrom. Utilize COD as an advisory & monitoring body to increase accessibility & accountability in city efforts and other areas of influence. Partner with other commissions; advocate for new sub-committees and cross-membership for relevant goals. Commissioners commit to actively and regularly engage with appointing Council members. Ensure that COD review city policies to avoid direct decisions by Council, City Manager, and other city entities without disability input. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

5. Accessible and Affordable Housing

Explore the expansion and improved availability of accessible housing for people with disabilities, including going beyond baseline ADA access requirements in new construction (e.g. adding automatic door openers, units with roll-in showers and other universal access features, etc.). Recognize a likely slowdown in new construction and increase efforts at encouraging accessibility retrofits of existing buildings, whether single-family homes or multi-unit apartments/condominiums. Address affordability as a key factor for housing, especially given the disconnect between affordability and accessibility (given newer buildings are more accessible but also tend to have higher rents). Partner with senior community and advocates for mutual areas of interest. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

6. Homeless people with Disabilities

Support Berkeley's population of homeless residents with disabilities. Collaborate with local service providers to address disability-related needs, such as access to healthcare or repairs of medical equipment (wheelchairs, scooters, walkers, etc.). Address timely issues, such as pandemic safety, extreme heat events and air quality (including wildfire smoke). Access to electricity and energy resources. Advocate for permanent accessible housing, including creative solutions (e.g. tiny homes). Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

7. Emergency/Disaster Preparedness

Receive information and ongoing updates, participate and make recommendations as appropriate about Berkeley's BEACON and CERT programs. Address increasing frequency of Red Flag Warning events, wildfire danger, Public Safety Power Shutoffs, poor air quality days, and extreme heat vents. Maintain oversight and efforts around earthquake safety. Increase training opportunities for disability awareness & management, including FAST trainings. Advertise disaster resources for PWDs (e.g. information, backup supplies, organizations and designated accessible shelters), including lists of trained staff and volunteers. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

8. Student Life and Disability Awareness

Improve communication and collaboration with Berkeley's many students with disabilities, providing community engagement and leadership opportunities and supports for independent living. Address all populations including students with disabilities in elementary through high school, Berkeley City College, UC Berkeley, and private entities. Advocate for city-supported services and resources for youth, young adults and other students w/ disabilities. Increase affordability of and access to education, training, recreation and life resources (e.g. housing and transportation) for students. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

9. Accessibility in City Events, Meetings, Communications & Information Technology

Work with city staff, commissions, and other relevant partners to guarantee inclusion and accessibility of events, meetings and communications. Guarantee access to multiple media, taking into account a diversity of disabilities and the overall digital divide (i.e. disproportionate access to Information Technology and related services); this can include printed (paper) communications and information items, as well as those items in accessible (e.g. Braille or large-print) format. Ensure that all meetings and events are accessible through the Internet for those who cannot attend; this is especially important considering health and wellness in light of the Covid-19 pandemic and its ongoing effects. Emphasize plain language and multiple media in city resources and initiatives to reach the widest audience possible. Utilize free media (i.e. city websites, newspapers, PSAs, Berkeley TV, social media, etc.) and partnerships (e.g. with nonprofits, community organizations, and faith-based organizations) to engage as many people as possible. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

The Commission on Disability Fiscal Year 2022-2023 Work Plan supports the Strategic Plan goal to champion and demonstrate social and racial equity.

BACKGROUND

The Work Plan was approved by the Commission on August 3, 2022 (Vote: Ayes: Freeman, Walsh. Noes: None. Abstain: None. Absent: Singer. Motion/Second: Freeman/Walsh)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

Unknown.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown.

CONTACT PERSON

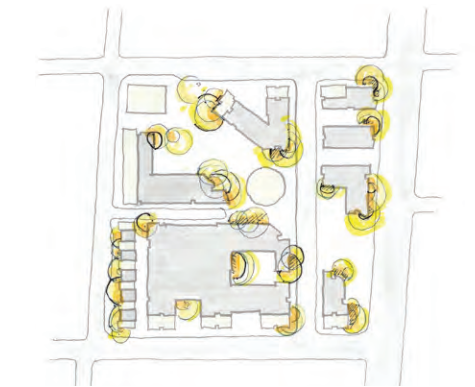
Andrew Brozyna, Deputy Director of Public Works, (510) 981-6396

- CONCEPT FOR DISCUSSION ONLY -

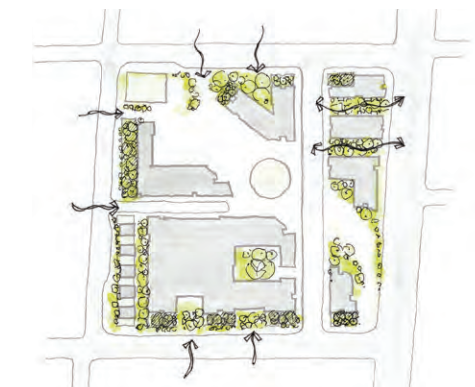
E. Preliminary Development Concept / Site Plans



Reweaving and rewinding the Ohlone Greenway



Dynamic ground-floor uses enrich the public realm



Inviting edges enhance the surrounding streetscape