

## **Commission on Disability**

### **Meeting Agenda: September 11, 2024, at 5pm**

**North Berkeley Senior Center, Dining Room  
1901 Hearst Avenue, Berkeley, CA 94709**

#### **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  
At this point in the meeting, the public may comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.
5. Approval of draft minutes re July 10, 2024 meeting\*
6. Approval: Order of Agenda\*

#### **Staff Updates**

7. Log of Access Complaints\*
8. Email and voicemail sent to the Commission\*

#### **Commissioner Reports/Announcements**

9. Various announcements

#### **Discussion/Action Items**

10. Feedback on Rent Board postcard\*
11. Discussion and vote on Active Icon referral to Council\*
12. Discussion and vote on WCAG contract clause referral to Council\*
13. Discussion and vote on PROWAG contract clause referral to Council\*
14. Work Plan updates

#### **Adjournment**

#### **Projects (Active & Proposed)**

- a. Contact clause for WCAG compliance - A
- b. Active Accessible Icon adoption - A
- c. Ohlone Greenway signage feedback - A
- d. Use of motorized scooters and bicycles on sidewalks (with CoAging?) - P
- e. Safer pathways map of Berkeley (with CoAging?) - P
- f. ADU Accessibility brochure - P
- g. Accessibility of speaker's lectern - P
- h. Maudelle Shirek Building (Old City Hall) renovation letter - P

- \* **Written material included in packet.**
- \*\* **Written material to be delivered at meeting.**
- \*\*\* **Written material previously distributed.**

### **PUBLIC ACCESS TO AGENDA**

Agenda posted: 1) on the bulletin board at Old City Hall (2134 MLK Jr. Way); 2) North Berkeley Senior Center (1901 Hearst Avenue); 3) City of Berkeley website ([link](#))

A complete monthly agenda packet is available for public review at <https://berkeleyca.gov/your-government/boards-commissions/commission-disability>. Physical agenda packets are reviewable during business hours at the Berkeley Central Library (2090 Kittredge St.) and at 1947 Center Street, 4<sup>th</sup> Floor.

### **ADA ACCOMMODATIONS**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including remote participation, auxiliary aids or services, please contact the **ADA Program Coordinator at (510) 981-6418 (V) or (510) 981-6347 (TDD)** at least 72 hours before the meeting commences. Please refrain from wearing scented products to this meeting.

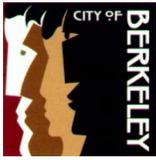
### **PUBLIC RECORD INFORMATION**

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, 4<sup>th</sup> 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  
E-mail: [tgregory@berkeleyca.gov](mailto:tgregory@berkeleyca.gov)

**Mailing Address:**  
Commission on Disability  
c/o Thomas Gregory  
1947 Center Street  
Berkeley, CA 94704



# Commission on Disability

DRAFT Minutes re July 10, 2024

## Preliminary Matters

1. Call to Order by Chair Fischer at 5pm
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
  - Commissioners present: Vice Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Sun, Commissioner Lewkowicz, Commissioner Paz, and Commissioner Marrero.
  - Commissioners absent: none.
  - Staff present: Thomas Gregory, Guillermo Campus, and Rex Brown (presenter).
  - Guest presenter present: Crystal Wang (from ACTransit)
  - Public members present: Andrea Altschuler, Laura Magnani, Kelly Hammergren, Carole Marasovic, and Anonymous.
4. Public Comments

Two public comments pertained to the potential upcoming reduction of on-street parking on Virginia Street near North Berkeley BART Station and that reduction's likely negative impact on nearby residents/visitors with disabilities. Commissioner Lewkowicz voiced support for this position.

Another comment pertained to the Curb Management Plan currently being developed by the City and the commenter's desire that that plan be vetted by additional commissions, including the Commission on Disability.
5. Approval of draft minutes: June 5, 2024 meeting\*

"...to approve June's draft minutes as submitted."

Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.  
Ayes: unanimous. The motion passes.
6. Approval: Order of Agenda\*

"...to approve the draft agenda as submitted."

Moved by: Chair Fischer; seconded by: Commissioner Sun.  
Ayes: unanimous. The motion passes.

## Presentations

7. Discussion with Rex Brown, CoB DEI Officer: DEI and the Disability Community\*
8. Presentation by AC Transit Planner Crystal Wang on proposed Transit-Supportive Design Guidelines (TSDG), i.e. bus stop design and its "multimodal" integration with paratransit, sidewalk users, and bikeways\*

**Staff Updates**

- 9. Log of Access Complaints\*
- 10. Email and voicemail sent to the Commission\*

**Commissioner Reports/Announcements**

- 11. ADA at 34: Signed into law on July 26, 1990

**Discussion/Action Items**

- 12. Active Accessibility Icon, draft referral to City Council\*
- 13. Web Content Accessibility Guidelines (WCAG) Contract Clause Inclusion, draft referral to City Council\*\*
- 14. Public Right of Way Accessibility Guidelines (PROWAG) Contract Clause Inclusion, draft referral to City Council\*\*
- 15. Feedback on Ohlone Greenway Signage\*\*
- 16. Local Hazard Mitigation Plan (LHMP) input due to CoB by July 31, 2024

**Meeting adjourned by unanimous vote at 7:53pm.**

Minutes approved by CoD vote on: \_\_\_\_\_

\_\_\_\_\_

Thomas Gregory, Secretary to Commission

2024 Log of Access-related Complaints Received by CoB (including unresolved complaints received in 2023)

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 deemed a solution was implemented	Nature of solution	Solution's level of compliance with law	Complainant's level of satisfaction with solution
5/12/23	5 – letter to City Attorney and City Clerk, that City must change accommodations for disabled Commissioners that require publicly posting addresses and opening homes to public; based on the legal opinion of the SF City Attorney that the Brown Act must defer to the ADA, Title II	7/7/23 (or sooner)	N/A as City did not see a need for any solution other than providing reasonable accommodations as needed.	Litigation pending	Unsatisfied

6/8/23	3 – Commissioners' Manual not fully accessible via screen reader.	7/24/24	On 6/13/23, the City Clerk wrote: "My office will plan to create a version of the Manual that blacks out the text entirely and works with screen readers."  ETA: 2024.	Compliant.	Unknown.
6/8/23	3 – same as above, but with additional concern that much more content on City website could be out of compliance with WCAG.	6/14/23	On 6/14, the City's Digital Communications Coordinator wrote that all City-generated web content meets WCAG standards. Re content on the City's website generated by third parties (e.g., Granicus), the City will insist that this third parties ensure that their content meets WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).
6/16/23	5 – grievance that following Brown Act would defeat the purpose of one's accommodation	7/3/23	For the City to waive Brown Act requirements, an accommodation dependent upon the submission of medical	Litigation pending.	Unsatisfied.

	to teleconference into Commission meetings.		documentation was offered to complainant.		
6/23/23	5 – letter from attorney saying that the City has imposed unsafe conditions on accommodations for disabled Commissioners and must allow Brown Act obligations to yield to ADA obligations when the two statutes appear to conflict.	7/7/23	City Attorney’s office responded to complainant with letter stating that the City is following the law as the law is understood by the City.	Litigation pending.	Unsatisfied.
8/28/23	1 – constituent complained that The Stegmann Trail at Cesar Chavez Park is too bumpy and out of compliance.	9/5/23	PRW staff informed complainant of existing plans to render the trail ADA compliant tentatively scheduled to commence in Sep2024.	Not yet applicable, but solution, once implemented, will be compliant.	Satisfied (with tentative timeline, that is...the actual remediation has yet to happen)
12/1/23	1 - Complaint that STAIR Center was not ADA-compliant.	Not yet.	I explained the situation in much detail to complainant, acknowledging that the site was not compliant in 95 different ways. I explained that the issues would not be remediated until after the site’s trailer-based structures were replaced with pallet-based structures, which was scheduled to happen in late FY2023-	No compliant solution yet implemented.	Unsatisfied.

			<p>24. This complainant was part of a coalition of advocates concerned about this particular site, and on 12/20 I spent two hours at CIL discussing the issues with the coalition.</p> <p>Update: the “late FY2023-24” ETA re replacing trailers with pallet-based structures has been abandoned, and the new ETA is: October - Jan 2025.</p>		
1/28/24	2 – complaint about non-compliant sidewalk near NE corner of MLK and Derby.	Not yet	Confirmed that this violation was already documented in database (it was)...asked Transpo/Engineering staff if this issue could be prioritized.	No compliant solution yet implemented.	Unsatisfied.
3/13/24	4 and 5 – complaint that City is not promptly providing a commissioner with the brailled materials they need to effectively serve as a commissioner.	8/22/24	HHCS dept will secure the funding and establish the purchase order needed for the ongoing service of translating the commission’s monthly agenda packets into braille...the relevant secretary and	N/a...the problem no longer exists, and so no solution is required.	Unsatisfied.  (Note: the complainant is not the individual who needed the braille...the individual who needed the

			<p>chairperson will strive to finalize agenda packets early enough to account for braille translation turn-around times.</p> <p>Update: on 8/22/24, the visually disabled commissioner resigned from commission services and informed City that she currently no longer needs any materials in braille format.</p>		braille is satisfied.)
4/18/24 (with follow-up complaints regarding the same intersection sent on 4/23, 4/26, and 4/27)	2 – construction work at/near Bancroft and Fulton is not being done in a compliant manner.	9/3/24	City staff have informed the contractor of what the PROWAG violations are and what the solutions are. As of 5/14, the contractor had not yet implemented the solutions.	As of 9/3/24, Transpo staff report that site is compliant.	Unknown.
5/3/24	4 and 5 – document posted to City website not screen readable and WCAG-compliant.	Not yet.	Staff expressed apology and expectation that the City will have WCAG-remediation capacity in FY25...offered to read entire document to constituent at a time convenient to him.	Not compliant.	Unsatisfied.

6/20/2024	3 – complaint that the City’s website does not comply with WCAG 2.0.	Not yet (assuming that the website does not comply with WCAG 2.0)	The City will hire a Digital Communications Coordinator asap who will ensure that the website is WCAG-compliant asap.	Once implemented, the solution will be compliant.	Unsatisfied.
6/30/2024	2 – overgrown hedge on 1600 block of Acton Street is obstructing sidewalk.	Not yet.	PW staff referred the matter to Code Enforcement staff, who will inform property owner that hedges must be trimmed back.	Once the hedges have been trimmed to create at least 4’ of unobstructed sidewalk, the site in question will be compliant.	Unknown.
7/13/2024	1 – the stationary lap pool lift at King Pool is out-of-order, and the portable lift at King Pool is also out of order.	8/19/24	The stationary chair on the stationary lift is non-fixable; a new stationary chair is on order and expected to arrive in ~ mid-August. The portable lift at King Pool is having its motor repaired...no ETA. In the meantime, another portable lift has been ordered and should arrive in early August...this new portable lift is ultimately destined for West Campus pool but will be used at King Pool until	Compliant.	Unknown

			the motor is fixed on the portable lift already at King Pool.		
7/14/2024	Exactly the same as above, but from a different complainant.	8/19/24	Same as above.	Compliant.	Unknown
7/23/2024	1-5 – General complaint that accessibility in City is inadequate, accompanied by a specific complaint that City employs too few ADA-specific staff. (This complaint, which was addressed to CoD, is included in the Sep2024 CoD meeting packet.)	7/23/24	The City employs a lawful number of ADA-specific staff.	Compliant.	Unsatisfied.
8/2/2024	2 – Lack of curb ramps at Claremont Ave/Avalon Ave.	Not yet.	Curb ramps to be installed at Claremont/Avalon in Nov2024.	Not yet.	Unsatisfied.
8/22/24	2 – Some APS violate PROWAG R308.3.1 by using voice indicators rather than percussive tones.	Not yet.	PW staff will survey all intersections with APS to determine which are not complying with R308.3.1 (and not also exempted from that rule by R308.3.2) and will change the signal's programming as needed.	Not yet. (The current situation is not a violation of law, but is a violation of PROWAG.)	Unsatisfied.
8/22/24	2 – construction site on Shattuck between	Not yet.	ADA staff has informed Transpo staff of what is	Not yet...solution expected to be	Unsatisfied.

	Francisco and Delaware violates PROWAG.		needed to remediate this situation; Transpo staff i9s working with the contractor in question to implement an ADA-friendly design of an alternate pedestrian pathway at the site.	implemented by mid-Sep2024.	
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The above list does not reflect accommodation requests that were promptly approved and met to the requester's satisfaction.

**Email message sent to CoD on 7/11/24** (regarding comments made orally to CoD on 7/10/24):

### **7/10/24 Public Comment to the Commission on Disability**

Hi, my name is Andrea Altschuler and I really appreciate the opportunity to speak with you and share information on such short notice. Thank you so much Thomas for your help.

First, I'd like to give you some background on the issue. As described in emails I sent, BART and the Transportation Commission have decided they want to build a protected bike lane on Virginia Street across from BART and take away residents' parking because they state there is a danger to cyclists that will increase once housing is built.

This proposal is based at least partially on a traffic study from summer 2020, the height of the pandemic, when no one had visitors in their homes. But apparently based on that evidence, BART decided there's plenty of parking on this block of Virginia.

Once housing is built on the BART site, there will be about half the number of parking spaces/ fewer cars on the site, so it's unclear how there'll be more traffic that could endanger cyclists.

It's absolutely unclear why BART insists on using public money to build this protected bike lane and take away parking in a neighborhood where parking needs will increase, since they're only planning to build parking for half the units they build. It's very unclear why Option B was not adopted that leaves residential parking in place.

I've lived on this block for 35 years, so I know there is very little car traffic. Plus, there's a traffic barrier at Acton and a traffic light at Sacramento to control traffic. BART could put a protected bike lane on the other/BART side of street which would not take away anyone's parking, which they presented as option B. In addition to the sidewalk, there is a barely attended planting strip that could provide additional width for a protected bike lane on that side of the street.

I especially have come to this commission meeting today because I realized that option A, that takes away residents' parking, and was endorsed by the Transportation Commission, will definitely impact people who use wheelchairs and walkers.

Even though BART clearly has been working on this proposal for over four years, their only attempt at community engagement was last month, a few weeks before the Transportation Commission meeting. The BART rep who came to my door told me

parking isn't a problem because we all have driveways. However, I realized that after the Transportation Commission endorsed the bike lane that takes away parking, Option A, this outcome would be extremely problematic for people who use wheelchairs or walkers. The driveways are quite narrow, some are relatively steep, and someone who uses a wheelchair or walker would not be able to enter or exit their vehicle from their driveway.

While I don't believe anyone on our block currently uses a wheelchair or walker, my husband has chronic pain, and it's often easier/preferable for him to enter and exit the car from the street rather than the driveway. In terms of public policy related to access and safety, it seems much more likely that more residents of the block, as well as visiting family members and friends, will develop temporary or permanent mobility disabilities that will prevent them from using their driveways to enter and exit their cars than bike safety will decrease on this half block. If BART and the Transportation Commission truly think a barrier-based bike lane is necessary, then there is plenty of space on the other side of the street, and full access can be maintained for residents on Virginia Street.

I'm also concerned as to whether a protected bike lane would impact people who currently travel on Virginia Street using a motorized wheelchair.

Thank you so much for your time and attention

**Email message sent to CoD on 7/23/24:**

Email subject line: **Re: Sacramento ACB Capital Chapter, a Useful Recording**

**Margots999@sonic.net**

To: Gregory, Thomas

Tue 7/23/2024 9:29 AM

To the Commission on Disability:

The enclosed recording describes the Public Rights of Way ADA Self Evaluation Transition Plan that has been developed by the city of Sacramento. It is a model that other cities, such as Berkeley, can and should consider adopting. The city of Berkeley is woefully behind in this regard, and the city is filled with problems and barriers regarding inaccessible public rights of way, including broken sidewalks, potholes in streets, poorly maintained accessible pedestrian signals, accessible pedestrian signals that do not conform to state and federal regulations, and many other serious issues. Berkeley also has abysmally poor pedestrian safety provisions.

Disability-related services have deteriorated. We desperately need a disability affairs office, comprised of several staff members, to deal with physical accessibility, programmatic accessibility, digital accessibility, and other areas. This office should be located in the community and human services department, not in public works. We are not inanimate objects; we are human beings, and must be treated as such!

I would like this recording to be forwarded to the commission on disability, to the ADA coordinator, and to all city council members and the Mayor.

I believe that disability services in this city have been neglected for far too long, and we must request that the city council hold several extended hearings on accessibility in Berkeley. I believe this should be done after the elections, perhaps at the beginning of 2025.

Best regards,

Daveed Mandell

[Daveed Mandell <daveedmandell@gmail.com>](mailto:daveedmandell@gmail.com)

Berkeley, CA

Date: July 22, 2024 at 7:21:51%u202FPM PDT

Greetings.

At our last meeting, The **ACB Capital Chapter of the California Council of the Blind and the River City Chapter of the National Federation of the Blind of California** worked in collaboration to host a presentation regarding the City of Sacramento's Department of Public Works updating its ADA Self-Evaluation & Transition Plan (SETP) for the Public Right-of-Way. Syroun Sanossian gave an excellent overview of the process, the ADA, the legal definition of disability, and how updating a plan like this works. Please listen if you missed it or would like to hear it again and feel free to share it. There is a link to the survey and a phone number to call should you want to add any feedback. You don't have to live in the city, so if you travel to "Sacramento, you can also give input.

Recording:

<https://www.dropbox.com/scl/fi/6tae8peozs9lyxnsvtueh/ADA-Self-Evaluation-and-Transition-Plan-with-the-City-july-20-2024.mp3?rlkey=2dsq70xvvmvernn5615qeallb&dl=0> <<https://www.dropbox.com/scl/fi/6tae8peozs9lyxnsvtueh/ADA-Self-Evaluation-and-Transition-Plan-with-the-City-july-20-2024.mp3?rlkey=2dsq70xvvmvernn5615qeallb&dl=0>>

SURVEY LINK:

[https://www.surveymonkey.com/r/OutreachQuestionnaire\\_SacCity\\_ADA-TransitionPlan](https://www.surveymonkey.com/r/OutreachQuestionnaire_SacCity_ADA-TransitionPlan) <[https://www.surveymonkey.com/r/OutreachQuestionnaire\\_SacCity\\_ADA-TransitionPlan](https://www.surveymonkey.com/r/OutreachQuestionnaire_SacCity_ADA-TransitionPlan)>

For alternative formats, contact

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Office:(916) 808-5092

Regina Brink

California Council of the Blind

Innervision Theater

**Email message sent to CoD on 7/24/24:**

Email subject line: **Case No. HF20064657**

Carol Denney<cdenney@igc.org>

To: **All Council**; Office of the Director of Public Accountability; Housing Advisory Commission; Knox, Kellie; Bronson, Darlene; Gregory, Thomas; +4 others

Wed 7/24/2024 3:46 PM

July 24- 24 PAB et al re policy hearing.docx

**18 KB**

□

July 24, 2024

To: The Police Accountability Board ([dpa@berkeleyca.gov](mailto:dpa@berkeleyca.gov));, the Housing Advisory Commission ([hac@berkeleyca.gov](mailto:hac@berkeleyca.gov)) ;, the Community Health Commission ([kknox@berkeleyca.gov](mailto:kknox@berkeleyca.gov));, the Berkeley City Council ([council@berkeleyca.gov](mailto:council@berkeleyca.gov)) ;, Commission on Aging ([dbronson@berkeleyca.gov](mailto:dbronson@berkeleyca.gov)) ;, Commission on Disability ([gregory@berkeleyca.gov](mailto:gregory@berkeleyca.gov));, Commission on the Status of Women( [ovance-dozier@berkeleyca.gov](mailto:ovance-dozier@berkeleyca.gov)) ;, Alameda County Board of Supervisors ([anika.campbell-belton@acgov.org](mailto:anika.campbell-belton@acgov.org)) ;,

**Re: Case No. HF20064657**

From: Carol Denney  
1970 San Pablo Avenue #4  
Berkeley, CA 94702

Honorable Council and Commission members,  
For over six years I have been deprived of my home, my family, my friends, my community, my political commitments, my music, my sleep, my health and health providers, and my safety. I've been repeatedly physically assaulted, suffered years and tens of thousands of dollars of vandalism including having my original car filled with urine and feces, the tires slashed and windshield smashed on my replacement car and lately riddled with bullet holes all in an allegedly secure apartment garage. I have yards of video of the perpetrator whose friendships with the building managers and the police is documented on police body camera video.

**I've called and written to every commission and council and community group I can think of. I've filed official complaints despite serious injuries. Nobody is focused on elder abuse.**

Nothing is clearer to me, **and to the Appellate Court**, than that California's commitment to strong elder abuse protections under the current law is being ignored by the Alameda County lower courts and in particular the Berkeley Police. Despite this, I received a notice on the same day of the July 24, 2024 Police Accountability Board hearing that each and every police officer I managed to file a specific complaint about **was not sustained**.

These officers had the simple opportunity over the course of six years to investigate the complete destruction of my first car, my second car, the series of physical assaults over six years one of which required major surgery and some of which were on video, and arrest the perpetrator. **He was never arrested once.**

I was told that I needed to find out and report his birthday. I needed to have called the police sooner, even though I had suffered a documented concussion, and needed to flee for my safety, so the report date was three days late, apparently too late - after years of similar incidents - for the Berkeley police to investigate. All of this apparently does not disturb the Police Accountability Commission, the Berkeley City Council, or anyone aware of the likelihood that reporting secondhand smoke may induce retaliation. According to the Appellate Court's decision as of a few months ago, these actions, or inactions, are in violation of the law; several laws, in fact, documented in our appellate brief (Case No. HF20064657). Yet I am still waiting for help from Berkeley's leadership, my apartment building's staff, and the Berkeley police to enable me to come safely home.

The First Appellate District Division Two court in San Francisco reversed a lower court's decision in response to an appeal filed by Hanson Bridgett, LLP and the Family Violence Appellate Project on my behalf after my being denied the renewal of my initial restraining order (one of two) on the grounds that I was obligated to prove additional abuse after years of court-affirmed and documented abuse.[\[1\]](#) That is not the only legal violation committed by the lower court judge. But that should be enough to sustain a policy complaint about how elder abuse targets are treated by the Berkeley police.

I am deeply committed to making sure that nobody else is treated this way. I hope there are some allies in Berkeley ready to protect elders from the abuse I have suffered.

I **can** prove six years of additional abuse. The Berkeley police, however, elected to interpret my restraining order's enforcement in favor of the convenience of the violent abuser and his alleged "client" through the In Home Support Services organization of Alameda County. This group's disinterest in helping aged elders like me was of minimal interest to the Alameda County Board of Supervisors to whom I wrote repeatedly.

I have lost everything I ever had and valued. I now have a titanium neck and constant pain affecting every minute of my life.

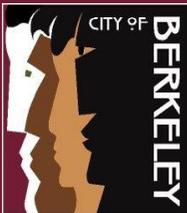
The lower courts must respond to the California Court of Appeal, First Appellate District Division Two regarding Case No. HF20064657. But they're not in a hurry. Nor are the Berkeley Police, the Police Accountability Board, or any of the plethora of additional organizations I have contacted.

I am glad to provide anyone interested with the appellate brief, or speak with anyone willing to listen,

Carol Denney  
1970 San Pablo Avenue, Apt. 4  
Berkeley, CA 94702  
510-548-1512

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[1] I had provided documentation, but during the pandemic the court's ability to process the documentation was not timely enough to reach the court in time.



# 2024 Annual General Adjustments (Rent Increases) & Security Deposit Interest Owed for 2023

**1.9%**

**2024 Annual General Adjustment**

**0.7%**

**2023 Interest on Security Deposit**

In order for a landlord to implement the Annual General Adjustment (AGA) or any rent increase for rent controlled units or rooms in Berkeley:

- Proper written notice must be issued to the tenant household.
- The property must be registered and have no outstanding fees or penalties.
- The landlord may not charge more than the lawful rent ceiling for the unit.
- Units may not have any serious habitability issues, such as non-working heat, water, etc.
- The landlord must have paid the 2023 interest on the security deposit.
- A landlord must pay tenants the interest on their security deposit or allow them to deduct its value from rent by Jan. 31, 2024. Otherwise, the AGA cannot be applied and the tenant household can deduct 10% of the security deposit value from rent for one month starting in February 2024.

## Questions or Concerns?

Contact Housing Counselors at the Rent Board before you take action.  
Contact information on the reverse side.



# City of Berkeley Rent Board

## Connect With Us

Contact Rent Board Housing Counselors with your questions.

Phone: (510) 981-7368 Ext.1

Email: [rent@berkeleyca.gov](mailto:rent@berkeleyca.gov)

Request an Appointment:

<https://tinyurl.com/rentboardappt>

## Want more information?

Visit our website!

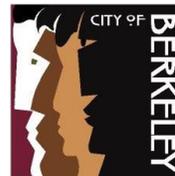
### Annual General Adjustments

<https://bit.ly/AGAs>



### Security Deposit Interest

[https://bit.ly/Sec\\_Dep\\_Interest](https://bit.ly/Sec_Dep_Interest)



Rent Stabilization Board  
2125 Milvia Street  
Berkeley, CA 94704  
Nov. 2023

PRESORT STANDARD  
U.S. POSTAGE PAID  
OAKLAND CA  
PERMIT NO. 8018

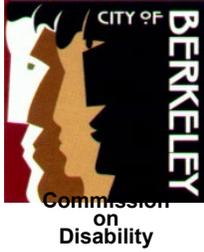
Traducción disponible ¡Llámanos!

提供翻譯。致電我們！

الترجمة متاحة. اتصل بنا!

มีการแปล โทรหาเรา!

(510) 981-7368 Ext.1



Consent Calendar  
[Meeting Date]

To: Honorable Mayor and Members of the Berkeley City Council

From: Commission on Disability

Submitted by: Rena Fischer, Chairperson

Subject: Recommendation to adopt use of the Active Accessible Icon



### RECOMMENDATION

Pass a resolution to replace the static International Symbol of Accessibility (ISA) by adopting and transitioning to use of the Active Accessible Icon (AAI), developed by the Accessible Icon Project, on parking, architectural, and other accessibility signage throughout the City of Berkeley.

### FISCAL IMPACTS OF RECOMMENDATION

Total budget: \$7691.00

Budget items:

\$4095.00	585 engineer-grade stickers (rated 5-7 year outdoor use): \$7/piece 300: City commercial districts, City parking lots and garages 200: non-City lots, garages (hospitals, supermarkets etc.) by request 85: permitted residential signs (by request)
\$2197.00	50 hours: Traffic Maintenance Worker 1 at \$35.15/hr (x1.25) for affixing stickers to parking signs on City streets, lots, and garages.
\$1099.00	25 hours: Traffic Maintenance Worker 1 at \$35.15/hr (x1.25) for affixing stickers on parking signs in non-City lots and garages.
\$ 300.00	3 Active Accessible Icon parking space paint stencils

Adoption of the Active Icon will be phased in by covering the static ISA icons on existing CA R99/R99C (blue parking signs) with Active Icon stickers. When new signs are installed (e.g. in conjunction with AB413/intersection daylighting) or damaged signs

Active Accessible Icon CALENDAR

replaced, signs with the Active Icon will be used. There is no fiscal impact as these signs are available for comparable cost.

## CURRENT SITUATION AND ITS EFFECTS

Adoption of the Active Accessible Icon is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

The static ISA currently in use, designed in the 1960s, has served an important purpose. However, it reflects an antiquated understanding of disability—and misunderstands the importance of symbolic language. The ISA, and the stick figure it uses, perpetuates harmful stereotypes and fails to accurately represent the active lives and experiences of people with disabilities. The ISA figure is passive, static and stationary; it reinforces stereotypes of inactivity and dependency.

In addition, the ISA perpetuates the medical model of disability, which views disability as a personal limitation or deficiency, one that needs to be "fixed." It is a stigmatizing and outdated model—as is the icon.

## RATIONALE FOR RECOMMENDATION

From passive and inactive to dynamic and full of life, the Active Accessibility Icon is a more progressive and inclusive representation of disability. It depicts a dynamic figure, symbolizing movement, energy and independence. It represents people with disabilities as actively engaged in life—not passive and stationary. We are not stick figures, but actively move our own lives forward. Promoting a positive image of people with disabilities, the Active Icon challenges stereotypes, while acknowledging our active participation in our own lives and within society broadly.

The Active Icon is gaining traction both within the United States and internationally. Initially designed in 2010 as activist street art in Boston, the Active Icon has been legislatively adopted statewide in New York (2014), Connecticut (2017) and Michigan (2022). While the ADA stipulates use of the ISA, there has been no objection by the Department of Justice to use of the new icon in any location. In addition, according to the U.S. Access Board, “A symbol other than the ISA will not comply with the ADA Standards *unless it satisfies the ‘equivalent facilitation’ provision* (§103). This provision allows alternatives to prescribed requirements if they result in ‘substantially equivalent’ or greater accessibility and usability.”

The Active Accessible Icon has already been utilized in City of Berkeley projects. For instance, it appears on the doors of the Central Library. Designers have readily adopted the Active Icon in architectural usage, recognizing its symbolic importance and ability to fully communicate the required accessibility message.

The Active Icon is increasingly used globally. In 2024, it was adopted for use on the European Parking Card for Persons with Disabilities. It has been used, though not officially adopted, in India. It is easily understood across different cultures and languages, promoting universal understanding and accessibility.

The Commission on Disability acknowledges that this proposed change—adopting a symbol of a person pushing their own wheelchair—represents a minority of people with

mobility disabilities, and a far greater minority of all disabled people. It focuses solely on mobility and does not encompass the diversity of disabilities, including cognitive, sensory, and non-visible disabilities.

In response to this, the creators of the icon have written, “The arm pushing a chair is symbolic—as all icons are symbols, not literal representations. Our symbol speaks to the general primacy of personhood.” Berkeley’s Commission on Disability agrees and believes that the change is warranted—indeed essential.

**TRANSITION PLAN:** We propose a transition using engineer-grade, reflective stickers, with a rated outdoor use of five to seven years, to cover existing CA R99/R99C parking signs in Berkeley’s Commercial Districts, City lots, and City parking garages. These, approximately 285 parking spots, represent the vast majority of accessible parking on public streets. Stickers can be efficiently affixed on signs grouped within Berkeley’s twelve identified Commercial Districts, requiring little driving between locations.

Additionally, 85 spots are applied for by people with disabilities and installed in residential neighborhoods. Active Icon stickers should be affixed if a resident requests one.

We also believe that the same uniform, high-quality, City-supplied sticker should be provided to private lots and parking garages, for example those at supermarkets and hospitals—encouraging their use throughout the City. City-supplied stickers ensure a uniform design, engineer-grade, long-lasting sticker that will result in wider adoption and less confusion as the the City of Berkeley transitions to use of the Active Icon design.

The total cost of this portion of the project, \$2499.00, is small relative to the impact gained by expanding use of the Active Icon to parking lots where accessible “blue” parking spots are, by law, front and center. Including these prominently placed signs in Berkeley’s transition to the Active Icon is vital to the success of this project.

The Active Icon is consistent with the modern disability rights movement. It aligns with principles that emphasize empowerment, inclusion, independence, and equal opportunity. The proposed symbol can help shift persistent negative societal attitudes by actively promoting positive ideas regarding disability. The Commission on Disability believes that changing signs is, indeed, one way of changing minds—by recognizing the full humanity and facilitating the full inclusion of people with disabilities. We believe that the City of Berkeley is ready to ride along.

#### ALTERNATIVE ACTIONS CONSIDERED

The Commission on Disability considered recommending that the icon be adopted in a wholesale manner, replacing all existing signage, but believes that the material and staff costs are prohibitive.

ATTACHMENT

RESOLUTION NO.

ADOPTION OF THE ACTIVE ACCESSIBILITY ICON CREATED BY THE  
ACCESSIBILITY PROJECT

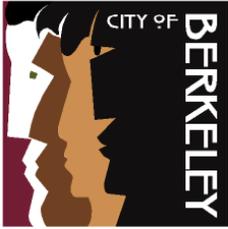
WHEREAS, it is the policy of the City of Berkeley to promote the full integration and participation of persons with disabilities into all areas of economic, political, and community life; and

WHEREAS, the City of Berkeley is committed to utilizing all available resources and to coordinating efforts toward removing barriers to full integration and participation of persons with disabilities; and

WHEREAS, the International Symbol of Accessibility reflects an antiquated understanding of disability, representing persons with disabilities as passive, static and stationary, stereotypes that fail to accurately reflect the active lives and experiences of persons with disabilities; and

WHEREAS, the Active Accessibility Icon is an expression of disability depicting a dynamic figure that symbolizes movement, energy and independence, and represents persons with disabilities actively moving their lives forward, thus promoting a positive image of persons with disabilities; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley will phase in adoption of the Active Accessible Icon developed by the Accessible Icon Project for use on all CA R99 and R99C signs installed and maintained by the City of Berkeley, and on other parking, architectural, and accessibility signage throughout the City of Berkeley. Furthermore, the City of Berkeley will encourage adoption of the Active Accessible Icon on accessible parking signs and in other accessible signage throughout the City.



Commission  
on  
Disability

## CONSENT CALENDAR

To: Honorable Mayor and Members of the City Council  
From: Commission on Disability  
Submitted by: Rena Fischer, Chair  
Subject: Web Content Accessibility Guidelines (WCAG) Contract Clause

### RECOMMENDATION

The City Council shall refer to the City Attorney the requirement to include a clause in all City of Berkeley contracts that obligates City vendors to supply digital content compliant with Web Content Accessibility Guidelines (WCAG) 2.2 Level AA, the technical standard currently mandated by the U.S. Department of Justice to implement the Americans with Disabilities Act (ADA). To ensure implementation, relevant City staff should be trained on these legal requirements and systems put in place to ensure that documents submitted by vendors, or created by City staff, and available on the City of Berkeley website meet these standards. When the City is informed that documents posted to its website do not meet WCAG standards, remediation should be made within **XXXXXX**

### FISCAL IMPACTS OF RECOMMENDATION

Complying with federally-mandated regulations and accessibility standards required by Berkeley ordinance may increase the cost of documents produced, but the City is legally obligated to meet these standards. While technology has significantly decreased the cost to create compliant documents, some City staff time is needed to review compliance reports or test documents for compliance. The ADA Program Coordinator has received a quote of \$4.40 per submitted page to retroactively convert documents to a compliant format. The City of Berkeley incurs the financial risk of legal action if it continues to fail to comply with existing WCAG standards.

### CURRENT SITUATION AND ITS EFFECTS

Within the City of Berkeley, compliance with ADA regulations on the built environment (ramps, tactile curb cuts, minimum door widths, etc.) is expected and largely enforced. However, for disabled users of screen readers and other assistive technologies—people who are blind, low vision, mobility impaired, or have reading or cognitive differences—obstacles in the digital world are frequently encountered and access is routinely denied. Just as the City of Berkeley contractually requires vendor compliance with requirements of the ADA in the built environment, the same must be true for City vendors providing digital content available on the City website, in City programs and presentations. Yet it is not.

While the pages of the City of Berkeley website are largely WCAG compliant, documents that can be viewed and downloaded from the website are often not compliant, *even though they are equally legally required to meet WCAG standards*. These are documents that may provide essential information, explain City projects, request feedback from the public, and in numerous ways necessitate that all users have equal access to the information they contain.

The problem of digital inaccessibility is most acute when City vendors or City staff create maps, **XXXXXXX** and other image-rich documents. The majority of these files lack alternative text tags (alt text) that can be read by a screen reader. Without these descriptions, essential information for disabled Berkeley residents and visitors is simply unavailable.

Other WCAG requirements address underlying document structure, tab order, and color contrast. Together, the guidelines related to these features result in web content accessibility. These accessibility standards are also often ignored on vendor and staff created documents posted to the City of Berkeley website.

For example, the final conceptual plan for the Ohlone Greenway Project, a 12-page document was not WCAG compliant. The Waterfront Specific Plan, a photo-rich, 250-page document, now in its third edition and still under development, is not WCAG compliant. For several years, until August, 2024, the City of Berkeley Commissioners' Manual was not WCAG compliant. These are examples of documents containing vital information that must be made accessible to all users from their inception. When users encounter non-compliant, inaccessible documents, remediation must be taken seriously and made quickly. This has not been the case.

## BACKGROUND

The City of Berkeley must comply with Title II of the ADA, which requires local governments ensure that all services, programs and activities are accessible to people with disabilities. The Department of Justice has consistently taken the position that Title II applies to services, programs and activities provided via the web and mobile applications. Guidelines are based on four main principles of accessibility; technology must be perceivable, operable, understandable, and robust. The City of Berkeley is currently required to provide WCAG-compliant digital content.

The expectation of a fully accessible website also exists within the Berkeley Municipal Code on Technology Standards (2.06.170), which states that the City will “meet or exceed the guidelines for accessibility specified by the Federal General Services Administration pursuant to section 508 of the Rehabilitation Act.” Under Section 508, federal agencies must give disabled employees and disabled users access to information that is comparable to the access available to others.

Specific technical standards have been newly updated and clearly defined. On April 24, 2024, the final rule of the U.S. Department of Justice regarding specific standards to ensure web and mobile app accessibility—including access to all online sites, programs and digital documents retrieved through local governments—were published in the Federal Register. This rule updates requirements of Title II of the ADA. The regulation specifies compliance with WCAG 2.2 Level AA. The City of Berkeley has until April 24, 2026 to fully comply with

the higher technical specifications, but the legal requirement that City websites, apps, digital programs and documents be accessible currently exists.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

### RATIONALE FOR RECOMMENDATION

The WCAG Contract Clause recommendation is a Strategic Plan Priority Project, advancing the City's goals in multiple areas:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities — in this case the infrastructure, amenities, and facilities are digital;
- create a resilient, safe, connected, and prepared city — with information available for disabled residents and visitors;
- champion and demonstrate social and racial equity — including the City's disabled residents and visitors;
- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community — including disabled residents and visitors.

Berkeley, a birthplace of the movement for independent living and disability rights, must take a multi-pronged approach to WCAG compliance. The City would not construct or renovate a City building without complying with accessible guidelines for the built environment; we must be equally vigilant regarding accessible, digital construction and use of the City's online environment.

Moving forward, inclusion of a contract clause requiring compliance with WCAG 2.2 Level AA is one of several critical approaches that will result in an accessible and legally-compliant City website. Creating internal systems to ensure that documents are checked for compliance, with remediation made to non-compliant documents, is essential to monitoring compliance with the contract clause. The inclusion of a contract clause makes clear the City's commitment to digital accessibility and gives the City legal recourse should vendors fail to comply with the contract. The goal of this recommendation is an accessible website that best serves all of its users.

### ALTERNATIVE ACTIONS CONSIDERED

WCAG compliance will require a multifaceted approach. In addition to the contract clause, the City must devote staff resources to monitor digital accessibility. This role is needed to both ensure compliance and as a resource for City staff. If the City fails to address on-going issues of non-compliance, it leaves itself open to litigation that can force a more costly and time consuming solution.

### CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

### CONTACT PERSON

Mina or Rena