

Commission on Disability

Meeting Agenda: February 19, 2025 at 5pm

**North Berkeley Senior Center, Aspen 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

The public may comment about any item not on the agenda. Public comments on 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 January 8, 2025 meeting*
6. Approval: Order of Agenda*

Presentations

7. Updates (2025) to the City Bike Plan*: Christopher Kidd (Senior Planning Associate, Alta Planning + Design, Inc.) and Dani Dynes (Associate Planner, CoB Public Works Dept.) – 30 minutes
8. Update on City's traffic and parking design, including bike and transit lanes: Charmine Solla (Traffic Engineer, Consultant to CoB Public Works Dept.) – 30 minutes

Staff Updates

9. Log of Access Complaints* - 5 minutes
10. Email and voicemail sent to the Commission* - 5 minutes

Commissioner Reports/Announcements - 5 minutes

Discussion/Action Items

11. Nominations and Elections for Chair and Vice Chair - 20+ minutes
12. Notification of Accommodations at City Meetings and Events - 15 minutes
13. Community-initiated Letter to City Council on Measure FF* - 15 minutes

Adjournment

- * **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, 4th 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.

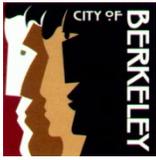
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:

Thomas Gregory
Public Works Department
(510) 981-6418
E-mail: tgregory@berkeleyca.gov

Mailing Address:

Commission on Disability
c/o Thomas Gregory
1947 Center Street
Berkeley, CA 94704



Commission on Disability

DRAFT Minutes re January 8, 2025

Preliminary Matters

1. Call to Order by Chair Fischer at 5:00pm
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 Lewkowicz, Commissioner Paz, and Commissioner Mann.
 - Commissioner absent: Commissioner Sun.
 - Commissioner on a Leave Of Absence: Commissioner Pugh.
 - Staff present: Thomas Gregory and Guillermo Campus.
 - Public members present: Bob Holloway, Erik Knaresboro, and Kathi P.
4. Public Comments – none.
5. Approval of draft minutes re November 13, 2024 meeting
 - “...to approve minutes from last meeting.”
 - Moved by: Commissioner Lewkowicz; seconded by: Chair Fischer.
 - Ayes: unanimous.
 - The motion passes.
6. Approval: Order of Agenda
 - “...to approve the draft agenda.”
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.

Staff Updates

7. Log of Access Complaints
8. Email and voicemail sent to the Commission (none)

Commissioner Reports/Announcements

9. Various announcements
 - Commissioner Walsh announced the recent formation of a local advocacy group called Streets Of Equality, which is the subject of this 1/7/25 [Daily Cal article](#).

Discussion/Action Items

10. prepare for the CoD officer elections scheduled for Feb2025

11. Work Plan development

Adjournment at 6:27pm.

Minutes approved by CoD vote on: _____

Thomas Gregory, Secretary to Commission

Feb2025 - Log of Unresolved Access-related Complaints

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

An asterisk in the Date Complaint Lodged column indicates that the complaint was a formal ADA Grievance.

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
6/8/23	3 – Concern that much more content (in addition to the Commissioners' Manual, which was non-compliant but which has been remediated) 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	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).

			WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.		
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. Update: remediation has not begun as of Jan2025.	Not yet applicable, but solution, once implemented, will be compliant.	Satisfied (with tentative timeline, that is...the actual remediation has yet to happen); however, as the timeline has not been adhered to, likely unsatisfied.
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.
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.
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.	1/21/25	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. Update: Jamm Services (the City’s APS vendor) informed	Compliant.	Unknown.

			the City that our APS, because we include locations in the walk message, exceeds minimum requirements even at sites where percussive tones are not used. Jamm Services staff also kindly met with complainant to explain rules and existing circumstances to them.		
8/22/24	2 – construction site on Shattuck between Francisco and Delaware violates PROWAG.	Not yet.	ADA staff has informed Transpo staff of what is needed to remediate this situation; Transpo staff is working with the contractor in question to implement an ADA-friendly design of an alternate pedestrian pathway at the site.	Not yet...solution expected to be implemented by mid-Sep2024. Update: new ETA is mid-Nov2024. Update: new ETA is mid-Jan2025.	Unsatisfied.
12/11/24	1 – elevators not working in Center Street garage.	Not yet.	Elevator will be repaired as soon as elevator-repair company can obtain the needed parts and perform the repair.	Once implemented, the solution will be compliant.	Likely unsatisfied with pace of remediation.

				<p>ETA: mid-Jan2025</p> <p>Update: There are two elevators, and both were broken. Unit 2 was fixed on 1/10/25, and Unit 1 was fixed on 1/13/25. However, Unit 1 broke again on 1/17/25 and remained broken as of 2/5/25 (although no complaints have been received since December2024)</p>	
Multiple dates in Dec2024	2 – various complaints (lodged by a CBO proxy) on behalf of various constituents, some of them being specifically identified and others of them not being specifically identified, purporting programmatic non-compliance with the	Dec2024	Complainants informed that their grievances did not involve any violation of any federal or state laws pertaining to accessibility.	Compliant.	Unsatisfied.

	ADA regarding the manner by which the City strives to manage local encampments and the outreach services provided to such encampments.				
1/17/25	2 – two curb ramps at Euclid and Crystal Way lack required detectable warning surfaces.	Not yet.	Detectable warning surfaces will be installed at these two curb ramps.	Once implemented, the solution will be compliant.	Unknown.
1/26/25	5 – the publicized info re a “Shape the Future of Disaster Preparedness and Environmental Justice in Berkeley” workshop does not provide info re the ability to request ADA accommodations.	1/26/25	Event’s promotional material’s absence of info about ADA accommodations is not a violation of any statute or regulation; thus, no remedial action needed.	Compliant.	Presumably unsatisfied. Question implicitly raised by this complaint: “Should CoD recommend to Council that the City’s policy should be that all (or some subset of all) event-promotion literature include info re the availability of ADA accommodations?”
2/4/25	1 and 2 – Portapotties blocking accessible parking spot at Marina;	2/13/25 or prior.	Problematic portapotties removed.	Compliant.	Unknown.

	also, one of these units was placed in a manner creating a path-of-travel issue at its entrance.				
2/7/25*	5 – City allegedly failed to engage in the accommodations process required by ADA.	n/a	n/a	n/a	Unknown.

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

Messages for CoD (Feb2025 edition)

On 1/16/25, the following message and letter was sent to the CoD secretary to bring to CoD's attention:

Hi Thomas,

I have attached a letter from the Commission on Aging members as a FYI. They are requesting a consideration on making the upcoming Fire Weather Plan workshops available in a hybrid format. The ask was that I share this letter w/ Commission on Disability.

Take care,

Darlene Bronson

Senior Citizen Center Director
North Berkeley Senior Center
Health, Housing & Community Services Dept.
Aging Services Division
1901 Hearst Ave. Berkeley, CA 94709
Ph: 510-981-5194
Email: dbronson@berkeleyca.gov

The letter:

January 16, 2025

To:

Jamie Albrecht
Emergency Services Coordinator
City of Berkeley Office of Emergency
Services 2100 Martin Luther King Jr Way,
Second Floor Berkeley, CA 94704
jalbrecht@berkeleyca.gov
(510) 981-5514

From:

City of Berkeley Commission on Aging
Commission on Aging/HHCS
Contact: Secretary Darlene Bronson
1901 Hearst Ave.
Berkeley, CA 94709
(510) 981-5194
dbronson@berkeleyca.gov

Subject: Hybrid Presentation on Fire Weather Plans

Dear Ms. Albrecht,

Given the importance of ensuring that our elder and disabled communities have the necessary resources and knowledge about fire and disaster evacuation as well as home hardening in light of the current climate crisis, we respectfully ask that you consider making your upcoming Fire Weather Plan workshops available in a hybrid format.

Thank you for considering this request. We believe a hybrid format would greatly benefit those who may have difficulty attending in person while ensuring all community members have access to this critical information.

Sincerely,

Graham
Chisholm
Penelope Collins
Rose Ann
Cochran
Odile Lavault, Acting Chair
George Porter
Thomas
Yamaguchi
Phyllis Orrick
Karin Evans
(Current Aging Commission Members)

Berkeleyans for Accessible Rights-of-Way

February 6, 2025

Mayor Adena Ishii
Members of the Berkeley City Council
2180 Milvia Street
Berkeley, CA 94704

Via email to council@berkeleyca.gov

Subject: Recommendations from the Disability and Senior Community for Implementing 2024 Measure FF

Dear Mayor and Members of the City Council:

As members or supporters of Berkeley's disability and senior community, we write to offer our recommendations for how Measure FF, passed by the voters last November, can be implemented such that the needs of people with disabilities on public rights-of-way are served. In Berkeley, 6.7% of people under 65 have disabilities. By 2030, 1 in 5 adults will be over 65 years of age and 37% of people over 75 experience ambulatory difficulty. This significant population faces heightened dangers every day simply navigating our sidewalks and street crossings.

The City's 2019 Vision Zero Action Plan, which Measure FF spending must be consistent with, recognizes that seniors and people with disabilities, among other groups, face a "disproportionate burden of traffic deaths and severe injuries."¹ It is important also to recognize that severe injuries and death can result solely from hazardous street and sidewalk conditions unrelated to traffic (affecting able-bodied people as well), and those hazardous conditions also impinge on the ability of mobility-impaired persons to simply get around town. Many such persons cannot drive cars and must walk, use wheelchairs or adaptive bicycles, or take public transportation.

Further, in late 2023, the Federal government adopted guidelines under the Americans with Disabilities Act (ADA), known as PROWAG, that require state and local governments to ensure that facilities used by pedestrians in the public right-of-way are readily accessible

¹ The Plan includes other groups that also face a disproportionate burden: people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, and seniors.

to and usable by pedestrians with disabilities.² Thus, by the terms of both Measure FF and federal guidelines, the City should take care to implement the measure to address the needs of people with disabilities.

We offer the following recommendations both to meet Vision Zero goals and to comply with the ADA:

1. Add a position to the city's ADA program staff to focus on bringing the City into compliance with the new federal ADA guidelines, PROWAG, including monitoring and enforcing the ADA obligations of the City's contractors. Private construction, especially large buildings, can block sidewalks and create hazards for people with disabilities. Proper signage and safe alternate passageways, as required under the new Federal rules, are often lacking. The position could be fully funded with Measure FF funds.
2. Prioritize Measure FF's goal of "eliminating" the backlog of damaged sidewalks "by 2036," and "ensur[ing] accessibility for all users." The most hazardous sidewalk conditions should be identified and repaired immediately, and all sidewalks should be made acceptable and safe – meeting all ADA requirements – within at least 12 years. The 15% of funds allocated for sidewalks and pedestrian paths should be used strictly for repair of damaged sidewalks and paths, and should add to, not replace, historical levels of funding except where other sources of funding (such as past measures) are expiring.

The City should fully fund the 50/50 cost-sharing program to expedite clearance of the backlog of cost-sharing requests and to prevent future backlogs (as proposed by CM Humbert in 2023). In addition, the city should evaluate whether the 50/50 waitlist includes the most dangerous ADA violations and, if not, establish a means of prioritizing correction of these violations.³

3. Incorporate ADA-mandated curb ramps and other ADA Title II traffic safety measures (crosswalks, street furnishings, pedestrian signals, parking, and other parts of the public right-of-way) in all pedestrian and bicycle "Safety Improvement" projects and fund all such measures out of the "Safety Improvements" budget (which is twice as large as the allocation for sidewalk and pathway repairs).

² Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), Appendix to Part 1190, R.204. See: <https://www.ecfr.gov/current/title-36/chapter-XI/part-1190>. Also See <https://www.govinfo.gov/content/pkg/FR-2023-08-08/pdf/2023-16149.pdf> and <https://www.access-board.gov/prowag/>.

³ The City keeps a highly detailed ADA violations database describing each violation, e.g., the slope of broken sidewalks.

4. Ensure that bike lanes and cycle tracks are designed to be equitable and accessible and do not impose additional barriers for people with disabilities and promote transit access for all sectors and abilities, as required by law.⁴
5. Ensure that the three required Measure FF implementation workshops build in an inclusive community process to identify and mitigate disability street injustices and ensure that the disability community is represented on the new SAFE STREETS Citizen Oversight Committee (SSCOC) and/or by formally coordinating with the Commissions on Aging and Disabilities.
6. Collect data on street, sidewalk, and bikeway usage and injuries (related and unrelated to vehicle traffic), including data on whether parties involved are disabled as recommended in the Vision Zero Action Plan,⁵ prior to implementing Complete Street projects, as required by the city's Complete Streets policy.⁶ The Vision Zero Action Plan calls for "shifting away from state crash data and toward use of BPD police report data." However, not all injuries are reported to BPD or involve a traffic collision. Rather, many people are injured solo due to poor sidewalk conditions and new street designs where public reports are not taken. Therefore, special outreach to vulnerable communities and targeted data collection efforts are needed.

We would be happy to provide more detailed recommendations and would welcome the opportunity to meet with each of you and share our perspective on the needs of seniors and people with disabilities on Berkeley's public rights-of-way.

Sincerely,

Michai Freeman
Systems Change Advocate
Center for Independent Living

Erik Knaresboro and Michaela Tszto
Founders
Streets of Equality

Helen Walsh
Accessibility-Inclusion Advisor
UCC Disaster Ministries
-and-
Vice-Chair
Berkeley Disability Commission*
*for identification purposes only

⁴ Federal law requires cities to consider accessibility when redesigning its streets to add protected bike lanes. *Sarfaty v. City of Los Angeles*, No. 2:17-CV-03594-SVW-KS, 2020 WL 4697906, at *5 (C.D. Cal. Aug. 12, 2020), as cited in ADA Update: https://ada-update.com/2020/08/19/bike-lanes-can-create-disability-barriers/#_ftn2.

⁵ The Vision Zero Action Plan calls on the City to, among other things, "perform a robust assessment of other key gaps in safety datasets as part of the first update to this plan; and elevate community voices to understand the perception of safety and personal security in our most vulnerable communities."

⁶ Berkeley's 2012 Complete Streets Policy. See <https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Complete%20Streets%20Policy.pdf> at PDF-p. 9.

Carol Crooks
 Betsy Morris
 Co-conveners
 Gray Panthers of Berkeley and the East Bay

Rev. Kelly Colwell
 Rev Molly Baskette
 Co-Senior Ministers
 First Congregational Church of Berkeley

Rev. Hannah Turner
 Minister for Youth, Young Adults, &
 Emerging Ministries

Bab Freiberg
 Executive Director
 Ashby Village

cc: Commission on Aging
 Commission on Disability

INDIVIDUALS IN SUPPORT OF THE RECOMMENDATIONS
 OF BERKELEYANS FOR ACCESSIBLE PUBLIC RIGHTS-OF-WAY
As of February 5, 2025

Mary-Ellis	Adams	Nathan	Hood	Anne	Rowe
James	Alnas-Benson	Jennifer	Hu	Helen	Rubardt
Leonard	Ash	Jun	Hu	Linda	Sawyer
Rick	Ayer	Margaret	Kavanaugh-Lynch	Susan	Shome
Birtukan	Beyenssa	Kathleen	Keller	Rebecca	Smith
Stanley	Boghosian	Katia	Kiefaber	Steven	Spielman
Jonathan	Bradshaw	Yuka	Kobayashi	Laura	Spielman
John	Brockett	Kara	Korbel Chinula	Jeanne	Strauss
Katharine	Brooks	Nick	Kukulan	Sharla	Sullivan
Sharonda	Chappel	Annis	Kukulan	Sara	Tanenhau
Lee	Cher-Weinstein	Lorenzo	Llanillo	Charles	Taylor
Lisa	Chow	Jonell	Lucas	Bella	Vavra
Alice	Clark	Dorris	Lynch	Martha	Vognar
Jim	Coates	Julia	Madore	Charles	Webb
Carolyn	Cox	Janet	McDonald	Morris	Wright
Alex	Cruz	Marcy	McGaugh	Jelle	Zijlstra
Chloe	Faison	Laura	Monroe		
Jeremy	Fish	Charles	Monroe		
Elizabeth	Forsyth	Melissa	Moss		
Mary	Fujii	Ann	Naffziger		
Susan Leslie	Gleason	Jennifer	Nixon		
Barbara	Grady-Ayer	Nancy	Rader		
Mack	Griffith	Helga	Recke		
Kerrie	Hein	Matthew	Reed		
Barbara	Hollinger	Althea	Rosales		