



Commission on Disability Agenda (Regular Meeting)

Wednesday, September 13, 2023, 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
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 for August 9, 2023 meeting*
6. Approval and Order of Agenda

Staff Updates

1. 2023 Log of Access Complaints*
2. ADA Program Coordinator reply to ADA Title III complaints (not Title II, City of Berkeley jurisdiction)*
3. Messages to Commission on Disability re Ohlone Greenway Project*
4. Voicemail to Commission on Disability re 5G towers complaint*

Commissioner Reports/Announcements

Presentations

1. Ohlone Greenway Project: presentation by CoB Public Works Project Manager Ken Jung.* Time: ~ 10 minutes, plus discussion.
2. California Commission on Disability Access: presentation by Executive Director April Dawson. Time: ~ 10 minutes, plus discussion.

Discussion/Action Items

1. Recruiting new CoD members. Facilitator: Chair Fischer. Time: 10 minutes.
2. Work Plan Updates and Development. Facilitator: Chair Fischer. Time: remaining meeting time.**

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.**

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) on the City of Berkeley website ([link](#))

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

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.

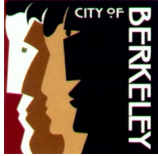
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

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 8/9/23 Meeting (Special Meeting)

Preliminary Matters

1. Call to order at 5:02pm.
2. Land acknowledgment read recognizing Berkeley as the ancestral, unceded home of the Ohlone People.
3. Roll Call
 - Present: Chair Fischer, Commissioner Pugh, and Commissioner Lewkowicz.
 - Absent: Vice-Chair Walsh, Commissioner Sun.
 - Staff Present: Thomas Gregory and Guillermo Campos.
 - Public Present: Kelly Hammargren
4. Approval of Prior Meeting's Draft Minutes
 - "...to approve the draft minutes for July's meeting."
 - Moved by: Chair Fischer, Seconded by: Commissioner Lewkowicz.
 - Yeas: unanimous. Nays: none.
 - Motion passes.
5. Approval and Order of Agenda
 - "...to approve the agenda for tonight's meeting."
 - Moved by: Chair Fischer, Seconded by: Commissioner Pugh.
 - Yeas: unanimous. Nays: none.
 - Motion passes.

CoD Staff Updates

1. Re the 2023 Log of Access Complaints that the secretary shares each month as part of his Staff Updates, there was a consensus among Commissioners that:
 - (a) complaints can be removed from the log shared with Commissioners once the complaints in question have both been resolved to the satisfaction of the complainant and been seen by Commissioners as part of a prior CoD meeting's packet;
 - (b) the log should include a column describing the solution implemented by the City;
 - (c) the log should include a column indicating if the complainant was i) satisfied ii) unsatisfied or iii) unknown;
 - (d) the complete log should be available to the Commission if/when requested.
2. In response to an access complaint received by the CoB, but covered under Title III of the ADA (not Title II where CoB has jurisdiction) the consensus of the Commissioners is that a letter be sent to businesses (or other Title III entities)

about whom the CoB receives an access complaint. The Commissioners believe that a form letter merged with a description of the accessibility complaint should be sent to the business (or other non-City entity) directing the business to the Pacific ADA Center. The Commissioners believe this will lead to improved access and educate the business community (and others) regarding obligations under the ADA and available resources to assist.

3. The Commissioners expressed interest in working with the California Commission on Disabled Access (CCDA), which has already contacted the Berkeley CoD, to better educate non-City entities on their ADA access requirements and resources available.

Discussion/Action Items

1. There was a consensus among Commissioners that audio-only teleconferencing is not sufficient at a Commission meeting involving remote participation, that a laptop-sized video monitor is not sufficiently large, and that a 24" or larger video monitor is necessary to facilitate full participation and communication at Commission meetings.
2. After discussing Work Plan ideas and language, Commissioners agreed that any further Work Plan development between now and the CoD's next public meeting would be conducted by individual Commissioners in conjunction with the Chair but no other Commissioners, thus ensuring Brown Act compliance. (Additionally, any two Commissioners can work together without involving the Chair.)

Adjournment

At approximately 7:40pm, "...to adjourn."

Moved by: Commissioner Lewkowicz, Seconded by: Commissioner Pugh.

Yeas: unanimous. Nays: none.

Motion passes.

Minutes Approved by CoD vote on:

Thomas Gregory, Secretary to the Commission
on Disability

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	Nature of solution	Complainant's level of satisfaction with solution
1/24/23	5 – wants Human Welfare & Community Action Commissions to return to hybrid meetings for purposes of accessibility.	1/27/23	Complainant informed that, while hybrid meetings won't return post-pandemic, PWD who can't access meetings in-person can be accommodated via teleconferencing.	unknown
1/30/23	1 – barriers along access route at Addison & Bolivar.	3/14/23	Complainant provided with relevant staff contacts and informed that "PRW estimates the 600 Addison project will be complete by the end of the calendar year; and the Boaters and Rower's Club project will	unknown

			be complete late summer of this year.”	
2/7/23	2 – overgrown tree limb impeding pedestrian right-of-way.	2/24/23	Outcome: Code Enforcement was then looped in and presumably trimmed the tree.	Unknown (but presumed satisfied as this complainant has conversed with Thomas multiple times since Thomas’ mid-May start date and has never mentioned this issue to Thomas).
2/16/23	5 – request to conduct Parks-n-Rec-n-Waterfront Commission meetings in more acoustics-friendly venue.	2/20/23	Parks, Rec, & Waterfront Director proposed moving the meeting to a new venue with better acoustics.	unknown
5/12/23	5 – request, addressed to City Attorney and City Clerk, that City consider adopting rules regarding remote participation at commission meetings that are more in line with the approach that SF is taking re handling any tensions between ADA compliance and Brown Act compliance.	7/7/23 (or sooner)	N/A as City did not see a need for any solution other than providing reasonable accommodations as needed.	Unsatisfied
5/24/23	1 – request more accessible parking near Cesar Chavez Park.	5/30/23	Complainant informed that accessible parking on streets and lots adjacent to Cesar Chavez are PROWAG-compliant and that City is not planning to add additional accessible spots.	Unknown (but presumably unsatisfied).

6/8/23	3 – Commissioners’ Manual not fully accessible via screen reader.	not yet	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.”	Not yet applicable
6/8/23	3 – Commissioners’ training video not fully accessible via screen reader.	6/14/23	The video was rendered WCAG-compliant.	Unknown (but presumably satisfied as complainant successfully viewed the video in question).
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.	Unknown (but likely not very satisfied).
6/16/23	5 – grievance that following Brown Act would defeat the purpose of one’s accommodation to teleconference into Commission meetings.	7/3/23	For the City to waive Brown Act requirements, an accommodation dependent upon the submission of medical documentation was offered to complainant.	Unsatisfied.
6/23/23	5 – letter from attorney saying that the City must allow Brown Act	7/7/23	City Attorney’s office responded to complainant with letter stating	Unsatisfied.

	obligations to yield to ADA obligations when the two statutes appear to conflict.		that the City is following the law as the law is understood by the City.	
7/26/23	5 – no curb cut connecting parking lot with sidewalk adjacent to John Hinkle Park.	not yet	The City's Supervising Civil Engineer has claimed responsibility for performing this remediation. No ETA available yet. Thomas will seek ETA in early September. As soon as Thomas has an ETA, he will share with complainant.	Not yet applicable.
8/2/23	2 – no accessible street parking on City block surrounded by Shattuck, Addison, Oxford, and Center.	Prior to 9/5/23	Blue spot created in front of 2112 Addison.	Extremely satisfied.
8/4/23	2 – complaint that the Ohlone Greenway project plans do not contemplate a separate (i.e., partitioned off) path for PWD that would not be shared by riders of skateboards, bicycles, or electric cycles.	8/4/23	Complainant was assured that the planned Ohlone Greenway expansion would meet or exceed PROWAG standards and that the path itself would be accessible even if skateboarders or cyclists were to conduct themselves dangerously while using the path.	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.	Satisfied.

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



Mom-n-Pop's Deli
123 Main Street
Berkeley, CA 12345

15 August 2023

Dear Mom-n-Pop's Deli,

Thank you for contributing to the culture and economy in Berkeley.

The City of Berkeley has recently received a complaint from a constituent claiming that Mom-n-Pop's Deli is not in compliance with Title III of the Americans with Disabilities Act of 1990. The City has no authority to enforce Title III of the ADA and no knowledge as to whether the complaint in question is accurate. With that said, I wanted to share the nature of the complaint with you as a courtesy.

Should you desire confidential, no-cost technical assistance regarding ADA compliance, such support is available from the Pacific ADA Center. <https://www.adapacific.org/>

Nature of complaint, which was received by the City on 8/8/23:

Blah blah blah...no identifying info re complainant included...blah blah blah.

You have no obligation to respond to this letter, and the City of Berkeley is not asking you to take any actions. However, please don't hesitate to contact me if you desire any further information.

Yours truly,

Thomas Gregory, ADA Program Coordinator
City of Berkeley, Public Works Department
1947 Center Street, 4th Floor
Berkeley, CA 94704

tgregory@berkeleyca.gov
(510) 981-6418

messages from constituent to CoD re Ohlone Parkway

Gregory, Thomas

To:

- berkeleycod@renafischer.org

Cc:

- Campos, Guillermo

Fri 8/4/2023 3:19 PM

Hi CoD Chair Fischer,

Secretary Thomas Gregory is writing you this email on my behalf as an accommodation because I do not use email due to my disability.

I'm a resident of District 1, and I live a block from Cedar Rose Park and near the Ohlone Greenway, which the City intends to expand (next year, I believe). My grave concern after dealing with Public Works and with the consultant on this project is that I was told there would not be a separate ADA path.

I did consult an attorney from Disability Rights Advocates and was told that if having all people, able-bodied and disabled, in the same path posed a danger then the ADA says there should be a separate, safe ADA path for us.

I would like the Ohlone Parkway to consist of two parallel but separate paths. Will CoD consider recommending to Public Works Dept and City Council that they should create separate paths rather than a single path to be shared by all?

Thank you for considering.

Elizabeth Starr
(510) 220-4647 (no texting; voicemail is fine)

Thomas Gregory / ADA Program Coordinator

Hi, this is a message for the Sharon commission on disability. I think Ms. Fisher. Hello, my name is Elizabeth Star 510-220-4647. I come to you as a concerned citizen of Berkeley I've multiple disability and I'm an Elder. I called the other day Mr. Gregory to ask you put all these supplied, whatever agenda or the agenda as possible regarding your roney Greenway expansion through Cedar Rose Park, Mike. It is a grave concern that when I met with the consultants about this and the Springs they said there would be no separate a D a path very concerned about this because it will be a high speed way bike path with the electric vehicles electric scooters and there really needs to be a safe zone quiet. You know separate 80 a path. I can't imagine a blind person or anyone was a disability being safe on this path and it's going to be a speedway we really need a separate ID a path. I am meeting with Ken young and people working on it, but they're not listening to me and have said they will not be in a be a Path Mr. Thomas Gregory said, it would be doubtful that you would be able to handle this because you have you are backed up with so many by 88 violations, but I really want this prioritize and it sounded like I'm not sure but it sounded like Thomas Gregory was speaking for you and speaking for the commission and I don't think that is legitimate and I think you need to make your own decisions, whether or not you will take something on it sounded like he was saying he did say it was doubtful that you would handle it. But I want the commission it makes her I would like you to make your own decisions. Regarding this is regarding life and death people will get run over and we don't need more disabled people do we know when a hard licenses so please do address. This. I am working on this on my own is the neighborhood of activists, but I don't have much Crowder power coming from the commission on disability saying it should be an 80 a path on the aloni Greenway expansion, which is I I believe happening in the Spring would be very powerful and important please do not let Mr. Gregory dissuade you or tell you what to do you have your own power. Thank you very much and thank you for passing this on to the chair Mr. Gregory and of course, no offense or hard feelings. I hope. Thank you very much.

juty blue <jutyblue@yahoo.com>

To:

• Gregory, Thomas
Sun 9/3/2023 7:46 PM

9-3-2023

Mr. Gregory,

Please include the following letter in the packet for the next Commission on Disability Meeting, which I believe is on Wednesday September 13.

Please confirm receipt of this letter.

thank you,

Elizabeth Starr

September 3, 2023

Elizabeth Starr

Berkeley Calif.

To The City of Berkeley Commission on Disability

PLEASE OPPOSE THE PROPOSED OHLONE GREENWAY BICYCLE PATH EXPANSION PLAN

Hello Commission Members.

Please note my opposition to the wide, fast moving bicycle & electric scooter lanes the City wants to build in the Ohlone corridor.

The city of Berkeley wants to create wide, fast moving bicycle & electric scooter lanes along the Ohlone Right of Way from Virginia Street to the Albany line. The Plan would remove mature trees & shrink Cedar Rose Park; **but would not provide any separate pedestrian pathways, including at the Gilman, Hopkins, Rose & Cedar intersections.**

Bicyclists & e-scooter riders do not & will not safely share the Ohlone Pathway w/ pedestrians.

Bicycle-pedestrian collisions & near collisions occur daily. Pedestrians, including people w/ disabilities & parents pushing strollers need their own safe ADA compliant pathway, as exists along the nearby West Street Path, and under the BART tracks in Albany.

An ADA compliant pathway should be of an easy to walk or roll on compacted material, not rocks or gravel.

THIS ILL-CONCEIVED PLAN MAKES THINGS WORSE!

Bicycle and e-scooter riders in Berkeley go too fast already. Wider pathways will encourage bicyclists & e-scooter riders to go even faster, putting pedestrians – including people with disabilities – at even greater risk of being banged into, knocked over, & seriously injured.

The willful lack of an ADA compliant path invites bicycle-pedestrian accidents & exposes the City to lawsuit.

The developmentally disabled students who participate in the after school programs at the Ala-Costa Center in Cedar Rose Park will be especially vulnerable to being hit by bicycles & e-scooters.

WHY ARE RECKLESS BICYCLISTS AND E-SCOOTER RIDERS TOLERATED?

Bicyclists and scooter riders are getting more and more reckless. They routinely run stop signs and stop lights, pass pedestrians on the right, and overtly knock into pedestrians. It's time to strictly enforce all traffic laws against bicyclists and e-scooter riders.

Electric scooters should NOT be on sidewalks nor in bicycle lanes. Electric scooter riders should be licensed and at least 18. It makes no sense to exempt them from the rules of the road.

For the above reasons, Paris France recently banned all electric scooter rentals.

DO NOT REMOVE ANY PARKING ON PERALTA AVENUE

The Plan would remove 12 or more parking spaces on Peralta Avenue & more on Hopkins & Rose streets. The pickle ball players at the Hopkins-Peralta courts will grab the remaining nearby parking spaces. People won't be able to park in front of their homes again. High speed bicycle lanes with concrete barriers will keep people from safely backing out of their driveways. People without driveways will be forced to park far away from their homes & will risk assault walking or rolling home after dark.

Removing street parking on Peralta Ave and on other nearby streets will result in more auto break-ins, more catalytic converter thefts, & more out right car thefts. Catalytic converters can cost thousands of dollars & many months of waiting to replace. Thieves are savvy. They will quickly recognize the loss of street parking on Peralta as an opportunity to break into cars on adjacent streets that belong to Peralta Avenue residents.

The Plan violates the Americans With Disabilities Act – ADA. The city's consultant acknowledged that no consideration was given to the ADA in the development of this plan.

People on Peralta and nearby streets have healthcare workers who assist them at home. Home healthcare workers depend on easily accessible parking. With no place to park, most of these home health care workers will quit. People will lose their critical home healthcare. Their lives will be put in grave danger. Some people could be forced into nursing homes.

There would be no place for the delivery people who bring our food and packages to park.

People with driveways would be forced to back out into high speed bicycle lanes.

People without driveways would be trapped in their home. Is this what the City of Berkeley wants?

The Hopkins – Peralta immediate neighborhood recently had a dangerous car-jacking, and a separate August 13 armed robbery with a reckless get-away driver smashing into cars and narrowly missing a pedestrian.

Our neighborhood is getting more and more dangerous. Don't make it even more dangerous by taking away our street parking.

There's no reason to remove our vitally needed parking spaces.

Safe bicycle lanes can & should be designed w/out taking away street parking.

Please tell the City of Berkeley to not remove any street parking on Peralta Avenue

WHERE'S THE PUBLIC INPUT?

The city is quickly pushing through the Plan now, without public review. We need real public review, before any plan is approved. All we got was a short meeting in February

with a consultant who would not take notes. We need more public meetings & a City Council vote before any plan is approved.

All draft plans should be submitted to the Commission on Aging and to the Commission on Disability before any further action is taken, as these commissions represent constituents who would be most adversely effected by expanding bicycle/e-scooter lanes, and by not having separate pedestrian pathways.

If the project cannot begin until the spring of 2024, what's the rush?

Send out postcards to the effected neighborhoods updating them on what is planned & on how to have their voices heard, before any further action is taken.

Please tell the City Council that you oppose the Ohlone Path Plan as currently proposed.

Thank you,

Elizabeth Starr

Berkeley California

Former member & Vice-chair of the Commission on Disability

Co-author of the Berkeley Elevator Ordinance

voicemail@cityofberkeley.info

To:

- Gregory, Thomas
Mon 9/4/2023 1:46 PM

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2 MB



Voice Mail System

You received a phone call from (510) 525-4680 on Mon, Sep 04 01:41 PM for (510) 981-6418.

Message

Hi, Thomas, it's Elizabeth. I wanted to let you know that I. Sent you are my partner has sent you my water when she typed up on the internet for me and this was done on September third, so hopefully we make the deadline it was addressed to the commission on disability, please make sure it gets to the packet. If there was any problem with that letter or you didn't receive it. Please leave me a voicemail at 510-220-4647. Again 510-220-4647 the voicemail not a text, but I'm pretty sure you received it you don't have to confirm, but if you didn't get it. Let me know please save the following to be chair your chair person. Fisher of the commission on disability. My name is Elizabeth Star. I am an elder

with a disability. I did serve on the commission on disability about 25 years ago, as Vice chair at that time. I co, author the Berkley elevator ordinance you might want to be aware of that law protecting tenants who reside in apartment buildings to make sure that the elevators I repaired within within a timely manner that was still on the books and I want you guys to know about it also Mr. Gregory tells me there are 11080 a violation from the City of Berkeley that he and you are handling. I want to say that's horrible, but we don't want to have one more a D a violation and by putting in the aloni Greenway without a separate a D a compliant path for pedestrians people with disabilities children parents with strollers, et cetera. It's one more violation. I have I have another violation when you can avoid it please do not endorse the plan as it is please demand the H D a compliant. Have also a nanny was to be since we had on that path and I don't know what happened one of the other nannies told me but nannies and caretakers and parents are really worried because you know they're pushing strollers and they don't want to be out in the past, but it's the fast moving scooters, which Paris France has recently band and I believe we will start working on something to ban. These electric scooter from Berkley. However, right now there would be no protection and was cutting down mature trees to why isn't this alone at Greenway but to not have an 88 compliant path. It's linear and long, but it's not very wide. They're never that why it wouldn't take a lot of space, but it would save a lot of lives. Lastly, we do not want more people becoming disabled. It's a really rough life and I don't want to anybody else to suffer the way. I are many others have thank you very much for passing this on to the commission and the chairman Fisher Mr. Gregory and I hope you all have a good day. Thank you very much.

voicemail@cityofberkeley.info

To:

• Gregory, Thomas
Mon 9/4/2023 2:14 PM

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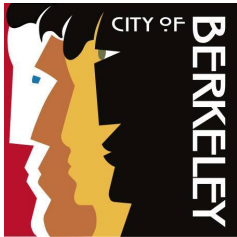
Voice Mail System

You received a phone call from (510) 525-4680 on Mon, Sep 04 02:08 PM for (510) 981-6418.

Message

Hi, Thomas, it's Elizabeth. I also wanted you to pass us onto the commission chair there is a cell power radiating. While there are several cell towers radiating five T illegally. One is at 1321 Gillman 600 feet from my home, which is horribly disabled me and added to a long list of disability including burning skin and burning has hearing last memory loss and horrible things it's done with my rheumatoid arthritis in my joints. I was 600 feet from this I tried to apply to it we were unsuccessful and we're being injured by it. The second thing and very disabled by and the second one is in front of Jehovah's Witnesses on Cedar Street, Rick radiating all this illegally right into the children's top lot at the Park, which I know they're going to run the rate. So according to the City of Berkeley guidelines

on the South towers, you know the introduction of five T they're supposed to be 300 feet from a Park and they are well. The one is on Cedar is 50 feet at most from the Cedar Grove Park that radiates for five G right on the littlest smallest children the one at 1321 Gilman is a fire hazard because it's right in front of Henry's Automotive and you can buy the heat cell towers are very hot and you combined the heat of a cell Tower with a diesel and oil and things as an Automotive repair shop has it makes it much more of a fire hazard to prove the Gilman District. Besides all of the horrible disabling symptoms. It has given us in our home I wanted her to know about this because it's also places you have but those are 88 violations that you probably aren't even aware of because we're the canaries in the coal mine and we are to seniors as important, but this is something happening to my body and many people around here also to add there. I have spoken to young women who are who lives near the 1321. Gillman so power also the 1550 Hopkins 52 cell Tower and the cell Tower in front of Jehovah Whiteness on Cedar Street. We're unable to conceive and it hasn't had had have had multiple miscarriages so this is also these are also 88 violations that you might know about it is against the N D a I think it is against the city is going. Ordinance of their own guidelines. They're not supposed to be your Parks at least 300 feet and they're not supposed to be a residential areas as opposed to always be put in industrial areas first and public works didn't listen and put them right there. They didn't choose an industrial area first they put it right on us. We've been trying to work with our counsel person Rachi Castor wanting to have the 1321 Golden cell Tower move to the the freeway at Gillman and second to no avail, we would like public works and how that moved talked to AT&T go by the city guidelines which say industrial areas first and put it that some power from 1321 Gentleman to second at Gillman away from residential life, yes, you passed by it on the freeway, but you don't have to live nearby and have the lingering symptoms. Please make a note of this please pass this onto the chair. Thank you very much.



OHLONE GREENWAY SAFETY IMPROVEMENTS PROJECT

PRESENTATION TO COMMISSION ON DISABILITY

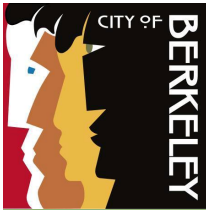
SEPTEMBER 13, 2023

Presented by:

Ken Jung

Project Manager

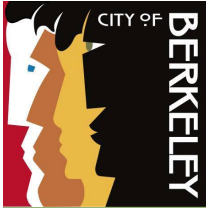
City of Berkeley Public Works Department – Transportation Division



OHLONE GREENWAY SAFETY IMPROVEMENTS PROJECT

PROJECT SUMMARY: SCOPE



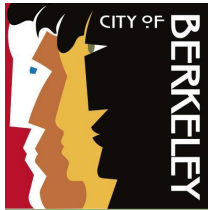


OHLONE GREENWAY SAFETY IMPROVEMENTS PROJECT

SUMMARY OF DESIGN CONSIDERATIONS

Pathway Design Standards

- Caltrans Highway Design Manual (HDM)
- California Manual on Uniform Traffic Control Devices (MUTCD)
- California Building Code (CBC)
- Public Right of Way Accessibility Guidelines (PROWAG)
- National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide
- Caltrans Design Information Bulletin 89-02
- California Fire Code



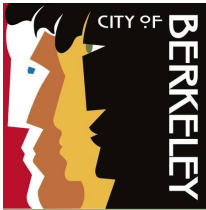
OHLONE GREENWAY SAFETY IMPROVEMENTS PROJECT

SUMMARY OF DESIGN CONSIDERATIONS

Some pertinent pathway issues:

- Pathway currently operates as a shared use path and will continue to operate as such
- Current pathway widths range from 8' (at Cedar Rose Park) to 11' (Rose to Hopkins)
- Bicycle Plan recommends widening to 12' where feasible
- Project will widen pathway to 12' (14' from Virginia to Cedar). Width of pathway through Cedar Rose Park will remain 8'.

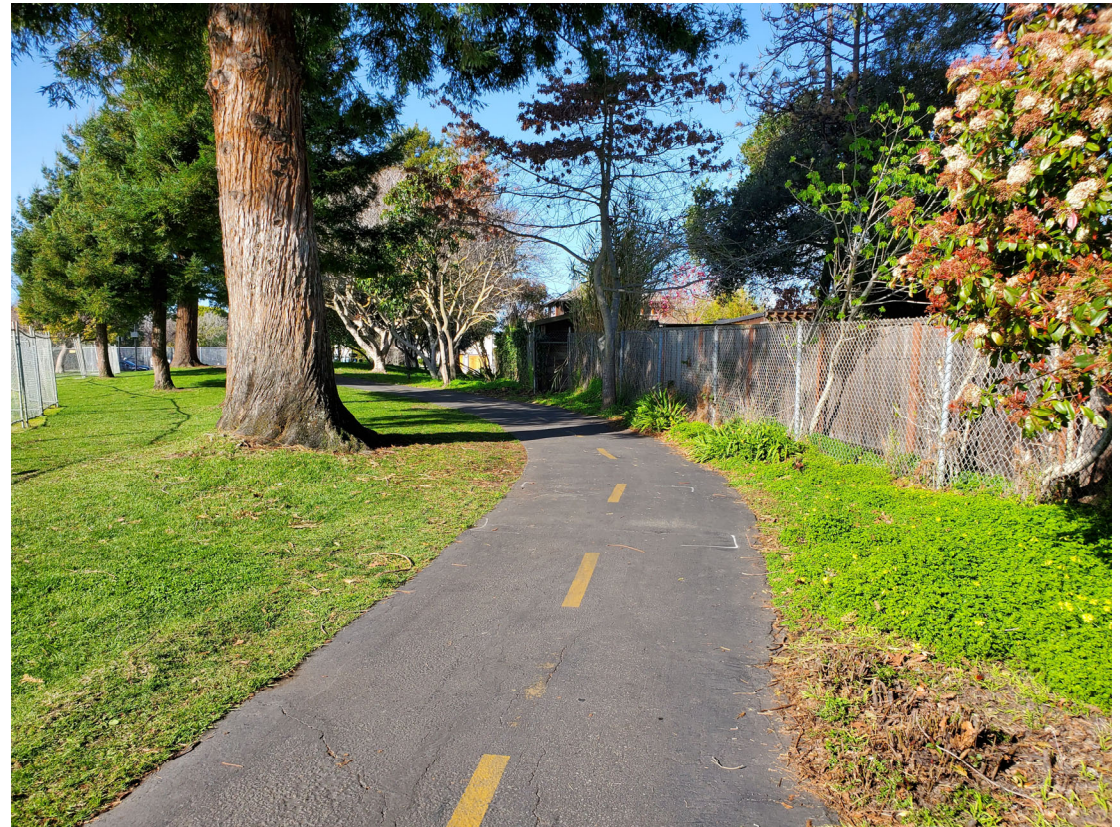


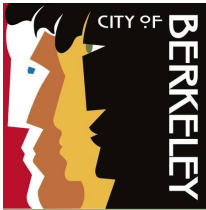


OHLONE GREENWAY SAFETY IMPROVEMENTS PROJECT

SUMMARY OF DESIGN CONSIDERATIONS

- Per State standards, shared use path must be at least 8' wide (10' preferred)
- Pathway grading will comply with ADA to the extent practicable
 - Grading may remain as existing where physical constraints exist: terrain or infrastructure, notable natural feature, or similar physical constraints





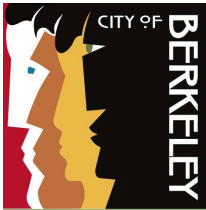
OHLONE GREENWAY SAFETY IMPROVEMENTS PROJECT

SUMMARY OF DESIGN CONSIDERATIONS

- Separated use path requires minimum 17' width per Federal standards
- Numerous constraints restrict pathway width
 - Mature trees, preservation of park space, property boundaries, drainage structures, public art, pathway lighting, etc.



Ohlone Greenway in Albany, CA



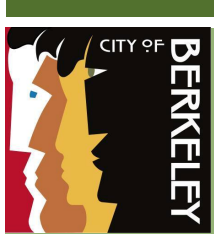
OHLONE GREENWAY SAFETY IMPROVEMENTS PROJECT

SUMMARY OF DESIGN CONSIDERATIONS

Shared use vs. separated use

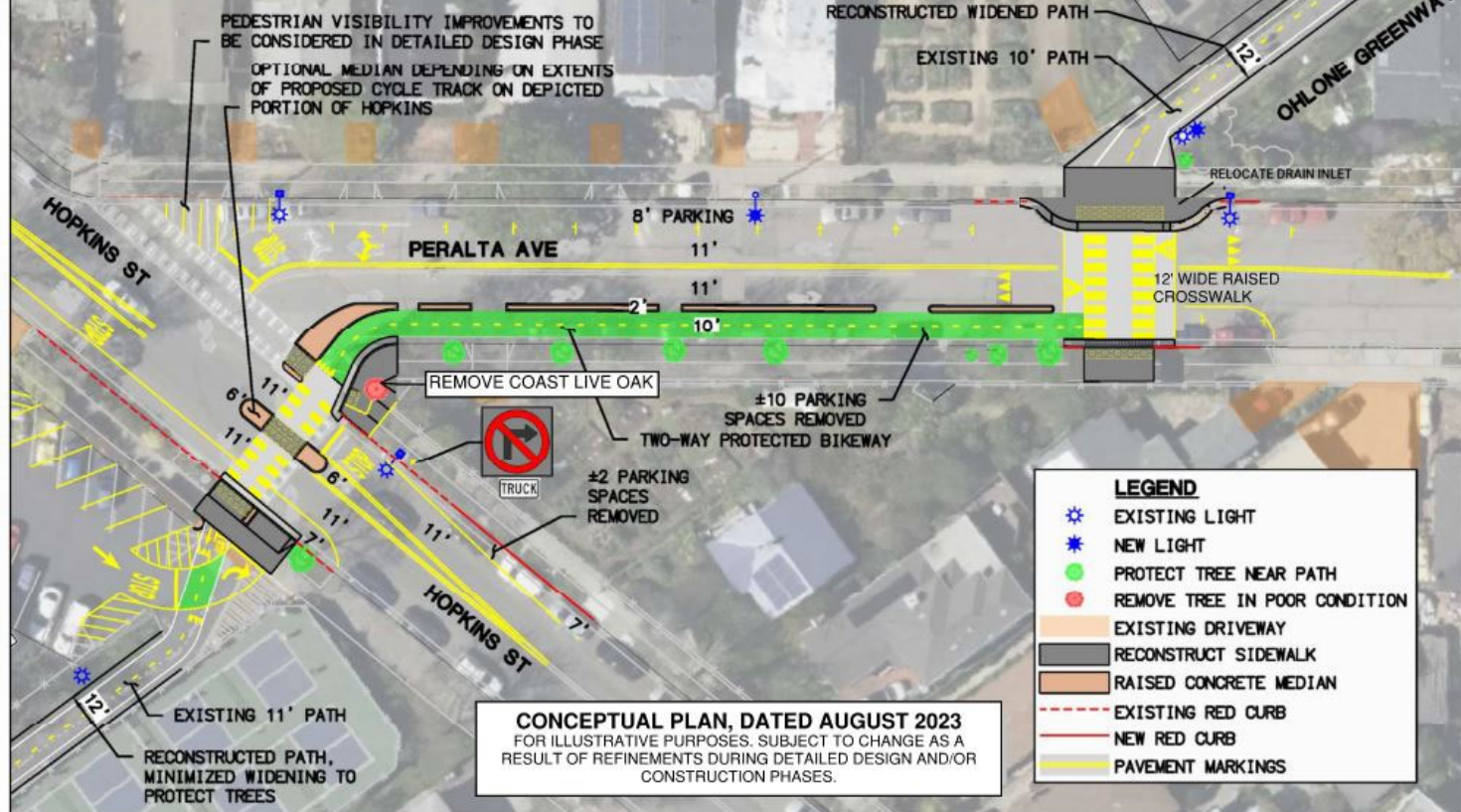
- Accessibility issues?
- Input from City Legal Department and disability consultant:
 - Design per ADA
 - City legally immune via Gov. Code Section 831.4, which provides that a public entity is not liable for an injury caused by a condition of a trail used for recreational purposes





In order to preserve the existing Coast Live Oak trees along the east and west sides of Peralta Avenue, the proposed crosswalk across Peralta Street would be located slightly north of the previous location (as presented during the public outreach events). Coast Live Oak trees are protected by City ordinance, except under certain circumstances when such tree is a potential danger to the public or property due to its condition. The Coast Live Oak tree at the northeast corner of the Peralta/Hopkins intersection would be removed due to its poor condition.

THIS SHEET FOR REVIEW & COMMENT
 Please send any comments via email to ohlonegreenway@berkeleyca.gov by Friday, August 25, 2023.



CITY OF BERKELEY
OHLONE GREENWAY MODERNIZATION AND SAFETY PROJECT
PERALTA AVENUE AND HOPKINS STREET
CONCEPT 3

