

# Commission on Disability AGENDA

## Regular Meeting

**North Berkeley Senior Center  
Workshop B  
1901 Hearst Ave. (at MLK)  
Berkeley, CA 94709**

**Wednesday  
June 15, 2016  
6:30 PM**

The Commission may take a break at approximately 8:00 pm.

### **A. PRELIMINARY BUSINESS**

- 1) Call to Order by Chair Singer
- 2) Roll Call by Secretary
- 3) Public Comment on Items Not on the Agenda. (Up to 3 minutes per speaker)
- 4) Approval the Draft Action Minutes of **May 18, 2016\***.
- 5) Approval and Order of Agenda
- 6) Update by Administration/Staff
- 7) Announcements

### **B. DISCUSSION/ACTION ITEMS**

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

The public may speak at the beginning of any item.

#### **1. Portable Sign Program\***

Preparation for writing a report to Council  
Staff/ Commissioner Singer

#### **2. Center Street Garage Parking**

Review Council items concerning accessible parking  
Commissioner Singer

- a. Draft Information Council item concerning Accessible parking at Center Street Garage. Motion B3.b of April 20, 2016 meeting.\*
- b. Draft Action Item concerning Accessible parking at Center Street Garage. Motion B3.c of April 20, 2016 meeting.\*

#### **3. Universal Design**

Review Information Item concerning Universal Design to be forwarded to Council. Motion B3b of May 18, 2016 meeting. (See Attachments B1b.1 Quick-Notes by American Planning Association and B1b.2, Zoning for Universal design and Visitability, of that meeting).\*

**4. Service Animals Welcome :**

- a. Update on signs-Staff
- b. Possible Recommendation to Council for ADA - Training on Service Animals for public accommodations, public conveyances, city departments/staff  
Commissioner Weiss

**5. Easy Does It, Emergency Services, Quarterly Report**

Quarterly report/Nikki Brown-Booker.

**6. Meeting Efficiency**

Commissioner Graham

**7. Meeting process including Re-review of previously approved item on Universal design and discussion of process for writing motions, educational and action items, and procedure for tracking council requests,**  
Commissioner Singer/staff.

**C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS**

*Information items can be moved to Discussion or Action by majority vote.*

**1. Subcommittee Reports:**

- a. Accessible Transportation, Parking, Sidewalk and Pedestrian Safety Impacts of Bicyclists and Bicycle Traffic on Vulnerable Pedestrian Populations  
Verbal Report by Commissioner Graham. Put under subcommittee
- b. Rights of Persons with Disabilities (CRPD)

**2. Final Information Council Item concerning Universal Design scheduled for June 14, 2016 Council Meeting. Motion B3a of April 20, 2016 meeting. (See Attachment 1 "What is Universal Design, by Polly Welsh" of that meeting)\***

**D. COMMUNICATIONS**

- 1. 5/18/2016 e-mail from Vice-Chair Weiss called" Get out the Vote with Ms. Wheelchair America 2016 \*.
- 2. 5/25/2016 e-mail from Vice- Chair Weiss: Save Access Rights for Disabled Veterans, Children and Adults.\*

**E. FUTURE AGENDA ITEMS (from adopted work plan, referrals, etc)**

- 1. Accessible Website, Digital Media and Information Technology
- 2. US Census Access

**F. ADJOURNMENT**

Agenda Posted: Wednesday June 8, 2016

**A complete agenda packet is available for public review on the web at [http://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Commission\\_on\\_Disability\\_Homepage.aspx](http://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_Disability_Homepage.aspx), and at the Public Works/Engineering Division front desk, 1947 Center Street, 4<sup>th</sup> Floor.**

**ADA Disclaimer**



*“This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346 (V) or 981-6903 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.”*

**Communications Disclaimer**

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

*Commission Secretary: Carmella Rejwan, AIA, Disability Compliance Coordinator, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6341, Fax: (510) 981-6340 TDD: (510) 981-6345 email: [crejwan@cityofberkeley.info](mailto:crejwan@cityofberkeley.info)*



## Commission on Disability DRAFT ACTION MINUTES

### Regular Meeting

May 18, 2016

North Berkeley Senior Center  
1901 Hearst Avenue (at MLK)  
Berkeley, CA

#### A. PRELIMINARY BUSINESS

##### 1. Call to Order

Chair Martha Singer called the meeting to order at approximately 6:33 PM

##### 2. Roll Call:

Commissioners Present: Graham, Murray (Arr.: 6:50), Singer, Walsh, Weiss.

Commissioners Absent: Leeder (L/A),

Staff Present: Carmella Rejwan, Office of Access Services

Guest: 0

##### 3. Public Comment (on items not on the Agenda):

Speakers: 1

##### 4. Approval of Draft Action Minutes:

Action: It was moved, seconded, carried (Weiss/Graham) Unanimous to approve the Minutes of April 20<sup>th</sup> as amended.

Ayes: Graham, Murray, Singer, Walsh, Weiss. Noes: 0 Abstain: 0 Absent: 0.

Motion passed (5-0-0-0.)

##### 5. Approval and Order of Agenda:

##### 6. Update by Administration/Staff: None

##### 7. Announcements:

#### B. DISCUSSION/ACTION ITEMS

##### 1. Universal Design

###### a. Speaker: Erick Mikiten, Architect.

Erick Mikiten, Architect gave a presentation showing two projects designed by his firm that implemented universal design.

Action: It was moved, seconded, carried (Weiss/Walsh) to transmit to Council the following items as follow up information on Universal Design:

###### b. to transmit to Council the following items as follow up information on Universal Design:

1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6341,  
email: [crejwan@ci.berkeley.ca.us](mailto:crejwan@ci.berkeley.ca.us), Fax: (510) 981-6340

1. Quick-notes, a publication by the American Planning Advisory Service. (B1b.1).
2. Draft for Universal Use-Zoning for Universal Design and Visitability, by Jennifer S. Evans-Cowley, PhD. Aicp. (B1b.2).  
Ayes: Graham, Murray, Singer, Walsh, Weiss. Noes: 0 Abstain: Murray  
Absent: 0.  
Motion passed (4-0-1-0.)

**c. Review/approve informational communications to Council Members.**

Staff reported that the Information Council item concerning Universal Design Action Item B3a of April 20<sup>th</sup> meeting was submitted to City Clerk and is going through the review process. The Motion was added to the report under BACKGROUND. It is scheduled for the June 14 Council meeting\*.

**2. Establish New Subcommittees**

Action: It was moved, seconded, carried (Graham/Walsh) to create the following subcommittees:

- a. Subcommittee: Accessible transportation. Commissioners: Graham, Leeder and Walsh (Alt.).
- b. Subcommittee: Rights of persons with disabilities. Commissioners: Weiss, Walsh and Leeder (Alt.).

Ayes: Graham, Murray, Singer, Walsh, Weiss. Noes: 0 Abstain: 0 Absent: 0.  
Motion passed (5-0-0-0.)

**3. Impacts of Bicyclists and Bicycle Traffic on Vulnerable Pedestrian Populations.**

No Update.

**4. City Center Garage Construction Parking Mitigation Plan**

Keith Brown, Architect and partner at CMA, Management Company for the Center Street Garage gave a presentation concerning accessible parking in Center Street Garage. The building meets code requirement. He suggested that staff check with the Permit Center whether they would approve additional accessible parking in the upper floors even though they don't meet height requirements.

No action was taken.

**5. Service Animals Welcome:**

- a. Distribution of Service Animals Welcome Signs.

Staff presented the final sample for the decals. No objection was presented.

No action taken.

- b. Possible Recommendation to Council for ADA- training on Service Animals for public accommodations, public conveyances.

No Update.

**C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS Berkeley Research**

Wednesday, May 18, 2016

- 1) Berkeley Research Collaborative.
- 2) Legislative update
- 3) Educational Access.
- 4) Subcommittee Reports:  
Convention on the Rights of Persons with Disabilities
- 5) Draft Council Communication item from April 20<sup>th</sup>, Action item B3a,  
concerning Universal Design.  
See update of item B1b.

#### **D. COMMUNICATIONS**

#### **E. FUTURE AGENDA ITEMS**

1. Impact of Bicyclists and Bicycle Traffic on Vulnerable Pedestrian Populations.  
Commissioner Graham.
2. Possible Recommendation to Council for ADA - Training on Service Animals for public accommodations, public conveyances, city departments
3. Easy Does It Emergency Services, Quarterly Report (Nikki Brown-Booker).
4. Educational issues- Michai Freeman.
- 5) Accessible Website, Digital Media and Information Technology
6. US Census Access

#### **F. ADJOURNMENT**

Moved, Seconded, Carried (Walsh/Murray) to adjourn the meeting at 10:00 PM.  
Ayes: Graham, Murray, Singer, Walsh, Weiss. Noes: 0 Abstain: 0 Absent: 0. Motion passed (5-0-0-0).

Public Present: 3      Total Speakers: 1

Commission Interim Secretary: Carmella Rejwan, Disability Coordinator, 1947 Center St.,  
4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6341, Fax: (510) 981-6340

email: [crejwan@ci.berkeley.ca.us](mailto:crejwan@ci.berkeley.ca.us),

Minutes on the web:

[http://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Commission\\_on\\_Disability\\_Homepage.aspx](http://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_Disability_Homepage.aspx)



Office of the City Manager

ACTION CALENDAR

June 11, 2013

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: William Rogers, Deputy City Manager  
Gregory Daniel, Supervisor Code Enforcement

Subject: Amending Berkeley Municipal Code Chapters 9.48, Chapter 14.48 and Chapter 16.18 to Establish a Two Year Pilot Program Authorizing Sidewalk Displays by Fixed Location Merchants on Telegraph Avenue

RECOMMENDATION

Adopt first reading of three Ordinances:

1. Amending BMC Chapter 9.48 regarding regulation of sidewalk vending on Telegraph Avenue;
2. Amending BMC Chapter 14.48 regarding regulation of miscellaneous use of sidewalk; and
3. Amending BMC Chapter 16.18 regarding regulation of right of way encroachments.

FISCAL IMPACT OF RECOMMENDATION

The proposed sidewalk vending permit fee will add revenue to the General Fund (010.3202.341.5201), however, the amount of revenue is dependent upon the number of fixed location merchants (Hereinafter "Merchants") on Telegraph Avenue that apply for the sidewalk vending permits.

CURRENT SITUATION AND ITS EFFECTS

On March 6, 2012, the City Council referred to the City Manager an item regarding a program to allow merchants on Telegraph Avenue to display their retail items on the sidewalk. This item recommends a number of amendments to the Berkeley Municipal Code (BMC) in response to the Council referral.

Since 1975 BMC Chapter 9.48 Sidewalk Vending has regulated vending on City's sidewalks, particularly Telegraph Avenue and Shattuck Avenue. Such vending is limited to "arts and crafts" products. Currently arts and craft vendors renew their permits annually through the Finance Department. Each year new sidewalk vendors are screened based on the provisions of Chapter 9.48. Consequently, Chapter 9.48 already provides a mechanism to administer and approve sidewalk display and sales for fixed location merchants on Telegraph Avenue.

In addition, the Zoning Ordinance requires a discretionary permit for activities outside of a building. This tends to limit the ability of fixed-location businesses to display and sell their goods on or adjacent to the sidewalk.

As a result, fixed-location businesses in Berkeley do not have practical access to many sidewalk areas where they would like to display and sell goods. According to the Telegraph Business Improvement District, four Telegraph Avenue Merchants have confirmed an interest in sidewalk display and sales.

### BACKGROUND

In March 2012, the City Council directed staff to develop a pilot program that would allow fixed location merchants on Telegraph Avenue to use the sidewalk for display and sale of retail items. In response, staff is recommending a number of amendments to the Berkeley Municipal Code. The proposed amendments would allow an as-of-right permitting process for all merchants to use the sidewalk for display and sales during the pilot period.

The available sidewalk space on Telegraph is generally sixteen feet. When sidewalk vendors were permitted, vendors were required to be ten feet, six inches from the front of any building. However, in order to accommodate Merchants, the sidewalk clear path space will be six feet [which comports with accessibility standards]. The use of the sixteen feet of sidewalk space would be established as follows:

<u>Description</u>	<u>Distance (ft)</u>
Curb Clearance	1.5
Vendors Space	5.5
Merchant Space	3.0
Clear Path	6.0
Total Sidewalk Space	16.0

The proposed changes to the BMC are intended to provide an efficient and equitable mechanism for approving sidewalk vending for Merchants on Telegraph Avenue.

### Proposed Changes to the Berkeley Municipal Code

In response to the City Council's referral staff is proposing amendments to the City's existing regulations regarding the use of the sidewalk on Telegraph Avenue. Those amendments are described in further detail below.

In general, the proposed amendments to Chapter 9.48 would give fixed-location merchants the opportunity to apply for permits to display and sell their items on the sidewalk, without requiring those items qualify as arts and crafts.

### **Section 9.48.045, Vending associated with fixed location businesses on Telegraph Avenue**

Originally BMC Chapter 9.48 was adopted to regulate arts and crafts vending in the public right of way on Telegraph and downtown Berkeley. The proposed amendment

would establish a two year pilot program that would expire on July 31, 2015. The amendment would also require that any merchant wanting to display and sell items on the sidewalk would have to apply for a sidewalk vending permit. As with sidewalk vendors, the application process for merchants will have relevant restrictions. A merchant sidewalk display must be immediately adjacent to the building and may extend no more than 36" from the building. Additionally, the following items are prohibited: 1) food products of any sort, 2) alcoholic beverages, 3) drug paraphernalia, 4) tobacco products, and 5) firearms or ammunition. Merchant displays would be restricted to Telegraph Avenue between Dwight Way and Bancroft Way, consistent with established sidewalk vendor locations.

#### **Section 14.48.160 Authorized Retail Display**

BMC Chapter 14.48 regulates the use of streets and sidewalks for commercial, non-commercial and institutional uses. The proposed amendment would authorize merchant vending on Telegraph provided the merchant complies with the permit requirements of BMC Chapter 9.48.

#### **Section 16.18.040.G Exemption from permit requirements**

BMC Chapter 16.18 regulates right of way encroachments and encroachment permits. The objective of BMC Chapter 16.18 is to protect public safety and public property. Generally businesses in Berkeley are not allowed to use the public right of way for profit making. Additionally, a minor encroachment such as sidewalk vending equipment would require a separate permit approved by the Director of Public Works. Provided the merchant met the requirements of Chapter 9.48, this proposed amendment would allow merchants on Telegraph to place display and sales equipment on the sidewalk without the need for an additional permit.

#### Cleanup Amendments to BMC Chapter 16.18

Given that establishing sidewalk displays requires an amendment to BMC Chapter 16.18, staff believes this is an appropriate opportunity to incorporate other cleanup amendments to BMC Chapter 16.18 as follows:

#### **Section 16.18.010 Definition**

The proposed changes are to correct language, spelling and punctuation errors.

#### **Section 16.18.160 Existing encroachments not having a permit**

Currently, BMC Section 16.18.030.B prohibits underground vaults and elevators not owned by public utilities or public agencies. The proposed amendment authorizes the use of non-publically owned vaults and elevators, subject to approval and conditions imposed by the City Engineer.

#### RATIONALE FOR RECOMMENDATION

See preceding discussion.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

William Rogers, Deputy City Manager

981-7000

Gregory Daniel, Supervisor Code Enforcement

981-2492

Attachments:

1. Ordinance Amending BMC Chapter 9.48
2. Ordinance Amending BMC Chapter 14.48
3. Ordinance Amending BMC Chapter 16.18

ORDINANCE - N.S.

ADDING BERKELEY MUNICIPAL CODE SECTION 9.48.045 CONCERNING  
SIDEWALK VENDING ON TELEGRAPH AVENUE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 9.48.045 is added to the Berkeley Municipal Code to read as follows:

**9.48.045 Vending associated with fixed location businesses on Telegraph Avenue.**

A. The following provisions shall apply on Telegraph Avenue between Bancroft Way and Dwight Way.

B. A fixed-location business may vend goods from a location on the sidewalk in front of its fixed location provided that it complies with the requirements of Sections 9.48.080 through 9.48.110, except as follows.

1. Vending equipment shall not extend more than 36' towards the street from the front of the building.

2. Vending equipment shall have a maximum height of four feet, six inches and a maximum length of nine feet. In no case may the vending equipment extend beyond the established store front.

3. In no case may vending equipment permitted pursuant to this section reduce the width of the sidewalk available for pedestrian use to less than 6 feet, after taking into account any other vending equipment permitted pursuant to this Chapter.

C. Application for and issuance of vending permits under this Section shall be subject to Sections 9.48.050 and 9.48.060.

D. In no case may an existing vendor permitted pursuant to this Chapter be displaced in order to provide an opportunity for vending pursuant to this Section.

E. For purposes of this Section, the following types of goods may not be displayed or sold at a sidewalk location:

1. food products of any sort;
2. alcoholic beverages;
3. drug paraphernalia;
4. tobacco products; and
5. firearms or ammunition.

F. The provisions of Section 9.48.045 shall expire and shall be repealed in its entirety on July 31, 2015, unless such date of repeal is further extended by resolution of the City Council.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE - N.S.

ADDING BERKELEY MUNICIPAL CODE SECTION 14.48.160 CONCERNING RETAIL  
DISPLAYS ON THE PUBLIC RIGHT OF WAY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 14.48.160 is added to the Berkeley Municipal Code to read as follows:

**14.48.160 Authorized retail displays.**

Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are permitted pursuant to Chapter 9.48.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE - N.S.

AMENDING SUBDIVISION (D) OF SECTION 16.18.010 AND SECTIONS 16.18.040 AND 16.18.160 OF THE BERKELEY MUNICIPAL CODE CONCERNING ENCROACHMENTS ON THE PUBLIC RIGHT OF WAY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That subdivision (D) of Section 16.18.010 of the Berkeley Municipal Code is amended to read as follows:

D. "Minor encroachment" means encroachment into the public right-of-way resting on or projecting into the sidewalk area such as: subsurface tiebacks, and soil nails, concrete stairs, disabled Access Ramps where more than six feet of sidewalk area is preserved, subsurface foundations extending less than 2 feet from the property line, level landings for garages, landscape features less than two feet in height, conduit for privately owned phone and data and lines connecting buildings owned by the permittee, ~~as~~ flower pots, permanent planter boxes, clocks, bus shelters, phone booths, bike racks, fences less than six feet above grade, earth retaining structures less than three feet above grade, benches, and curbs around planter areas. Any encroachment which is not a minor encroachment is a major encroachment.

Section 2. That Section 16.18.040 of the Berkeley Municipal Code is amended to read as follows:

**16.18.040 Exemptions from permit requirements.**

The following encroachments may be placed or maintained without a permit:

A. Mailboxes, however, must be placed in accordance with the rules and regulations at the United States Post Office Department and no box shall be placed so as to endanger the life or safety of the traveling public.

B. Newspaper racks which are installed and maintained in accordance with Chapter 16.40 or 16.44.

C. Lawns of any grass and type not prohibited by other laws.

1. The lawn shall not extend into the traveled way of the public street, not into the drainage ditches, gutters, and other drainage facilities, and not into that portion of the sidewalk area required for pedestrian usage.

2. The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The City may use the planted area for any purpose soever, and may issue a permit to any applicant to go thereon to perform work. If the lawn is damaged or disturbed in the course of such work, it will be removed and replaced by the permittee doing the work unless the permit specifically states otherwise.

D. Decorative Noncommercial Installations authorized and lawfully maintained under Section 14.48.180.

E. Sidewalk Cafe Seating and Benches and Planters authorized and lawfully maintained under Section 14.48.200, Chapter 23E.24, and former Chapter 23E.26.

F. Signs authorized and lawfully maintained under Title 20.

G. Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are permitted pursuant to Chapter 9.48.

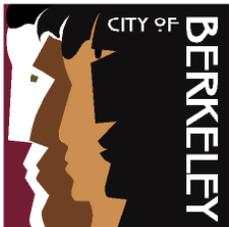
Section 3. That Section 16.18.160 of the Berkeley Municipal Code is amended to read as follows:

**16.18.160 Existing encroachments not having a permit.**

A. Existing encroachments that were constructed without a permit are illegal, may be cited as infractions or misdemeanors, and must be either removed or a permit applied for under the provisions of this chapter. If there is no response by the owner or owners within thirty days of notification, the City will have the right to remove the illegal encroachment at the owner's expense.

B. Notwithstanding the preceding subdivision, underground vaults and associated elevators or lifts may be maintained and used subject to approval of the City Engineer, if the City Engineer determines that the permitted use of the property with which the vault and lift are associated is impracticable absent their maintenance and use. The City Engineer may impose conditions on such continued maintenance and use, including but not limited to conditions relating to drainage, disabled access and safety on sidewalks and other areas of the public right of way that are affected by the vault. The City Engineer may also impose conditions limiting the duration for which a vault and associated elevator or lift may be maintained or used, the land uses in conjunction with which they may be maintained and operated, or the users who may maintain and operate them. Any approval by the City Engineer under his subdivision shall be dependent on compliance with any conditions that may be imposed on continued maintenance and operation, and shall be revocable upon noncompliance.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



**Jesse Arreguín**  
Councilmember, District 4

CONSENT CALENDAR  
November 19, 2013

To: Honorable Mayor and Members of the City Council  
From: Councilmember Jesse Arreguín  
Subject: Portable Sign Pilot Program

RECOMMENDATION:

Refer to the City Manager, the Commission on Disability, and the Transportation Commission for consideration the expansion of the existing portable sign program that enables businesses to place portable signs on sidewalks and medians

FISCAL IMPACTS:

Unknown; some staff time involved.

BACKGROUND:

In business, visibility is a crucial component of viability. For many small businesses that may be located in a smaller commercial district, have a storefront that is recessed from the roadway, or may be obscured by nearby installments, visibility is needed to attract the notice of customers that may otherwise overlook businesses that are not in prime locations.

Since 2009, the City of Berkeley has allowed portable signs for businesses on public property<sup>1</sup> (sidewalks and median strips) as a pilot project under the following conditions:

- 1) The signs are placed during the first two Saturdays and Sundays of May and during every Saturday and Sunday between Thanksgiving Day and Christmas Day
- 2) The signs are located west of Sacramento Street, bounded by Ashby Avenue, Gilman Street, and the East Shore Freeway
- 3) The business receives a permit from the City Manager's Office

An expansion of the portable sign pilot program may have the potential to boost many small businesses in Berkeley and sufficient time has passed to evaluate the impact of the pilot program on both pedestrians and businesses. As the economy slowly recovers and many commercial districts are experiencing an upswing, it is important to help our small businesses succeed and contribute to the value character of our business community.

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<sup>1</sup> Berkeley Municipal Code Section 20.16.190

Consideration of the portable sign pilot program should include, but not limited to, the following:

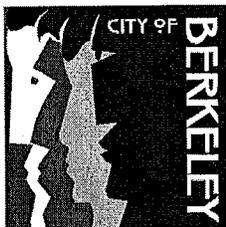
1. The impacts of the current program
  - a. Have there been any incidences or complaints regarding the obstruction of sidewalks, particularly by disabled individuals? How have the signs affecting pedestrian traffic?
  - b. Have there been any complaints regarding signs in the median?
  - c. How have participating business experienced the program?
2. Should the possible expansion of the program, that is any new area to be included, be limited to sidewalks only and/or placement within the vicinity of the storefront? Should the existing program be reformed in any way?
3. What should be appropriate standards for placement in terms of adequate space for pedestrian traffic? If there are existing obstructions within the sidewalk, such as trees, lighting poles, USPS mailboxes, etc., what would be the impact of a portable sign?

Additionally, when considering the possible expansion of the portable sign pilot program, however, it is the utmost priority to ensure that the placement of any portable sign will not impede safe and efficient pedestrian access.

CONTACT PERSON:

Jesse Arreguin, Councilmember, District 4

981-7140



Department of Public Works  
Transportation Division

DATE: July 8, 2014  
 TO: Don L. Brown, Secretary, Commission on Disability  
 FROM: Farid Javandel, Secretary, Transportation Commission  
 RE: **Portable Sign Pilot Program Referral**

As you are aware, on November 19, 2013 Council referred Portable Sign Pilot Program to the City Manager, the Commission on Disability and the Transportation Commission.

**9. Portable Sign Pilot Program**

**From: Councilmember Arreguin**

**Recommendation:** Refer to the City Manager, the Commission on Disability, and the Transportation Commission for consideration the expansion of the existing portable sign program that enables businesses to place portable signs on sidewalks and medians.

**Financial Implications:** Staff time

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

**Action:** Approved recommendation.

At its January 14 meeting the Transportation Commission took action 1) to refer the subject to its Pedestrian Subcommittee, comprised of Ghanya Thomas and Sophia Zander; 2) to invite interested parties from the business community-- such as the Downtown Berkeley Association and the Commission on Disability-- to participate in the discussion; and 3) to return to the Transportation Commission with a recommendation for action.

The subcommittee plans to meet again in August, solely for the purpose of discussing portable signage, and hopes to develop a recommendation to bring back to the full Commission for action at its regular September 18 meeting. The date for the August meeting has not yet been set.

I understand that the Commission on Disability will be discussing the Portable Sign Program at its July 9<sup>th</sup> meeting.

I am extending the TC's invitation to your Commission to either share its concerns and comments with the Pedestrian subcommittee in writing, or to designate a liaison to attend the Pedestrian Subcommittee in August, and/or the September 18 TC meeting. If a liaison is appointed, please provide Tamlyn Bright ([tbright@cityofberkeley.info](mailto:tbright@cityofberkeley.info)) with contact information so that we can notify the COD liaison of upcoming meetings on the subject.



**MINUTES**  
**Transportation Commission**  
**Regular Meeting**  
September 18, 2014

**B1.d**

**North Berkeley Senior Center**  
**1901 Hearst Avenue (at MLK)**  
**Berkeley, CA**

**A. PRELIMINARY BUSINESS**

**1. Call to Order**

Chair McCaughrin called the meeting to order at 7:04 PM

**2. Roll Call**

Commissioners Present: Ben Gerhardstein, Mark Humbert, Donald Lathbury Arr 7:05, Eric McCaughrin, Terry Roberts, Ghanya Thomas, Sofia Zander

Commissioners Absent: Darby Watson

Staff Present: Farid Javandel, Tamlyn Bright, Andrew Heidel

**3. Public Comment on items not on the Agenda:**

Speakers: 1

**4. Approval of Draft Action Minutes:**

It was moved, seconded, carried (Zander/Roberts) Unanimous to approve the Minutes of July 17, 2014. Ayes: Gerhardstein, Humbert, Lathbury, McCaughrin, Roberts, Thomas, Zander Noes: None Abstain: None Absent: Watson **Motion passed (7-0-0-1).**

**5. Approval and Order of Agenda**

It was MSC (Humbert/Gerhardstein) Unanimous to take up Item B4- Ashby/Hwy 13 Corridor Projects first, and proceed with remainder of agenda in original order to accommodate speaker's schedule. **Motion passed (7-0-0-1).**

**6. Update on Administration**

**7. Announcements**

**B. DISCUSSION/ACTION ITEMS**

**1. Emeryville Berkeley Oakland Transit Study (EBOTS) Options**

Presentation by Diana Keena, AICP, *Assoc. Planner, City of Emeryville Planning and Building Dept.*

Speakers: 3

Actions:

	Moved/Seconded by:	Recommendation:
1	Zander/Gerhardstein	West Berkeley needs transit/enhanced bus service.
2	Zander/Thomas	Enhanced Bus route should go to Gilman/University Village (rather than Downtown Berkeley, which is currently well-served), and terminate at University Village.
3	Zander/Gerhardstein	Enhanced Bus service should be integrated with Clipper and A/C Transit fare system for ease of transfer and coordination with other transit services.
4	Roberts/Gerhardstein	Local funding for the proposed new program should be proportional to services provided in each jurisdiction.
5	Lathbury/Gerhardstein	Merchant associations and developers benefitting from

		this enhanced transit service should be encouraged to participate in funding the service.
--	--	---

Ayes: Gerhardstein, Humbert, Lathbury, McCaughrin, Roberts, Thomas, Zander  
Noes: None Abstain: None Absent: Watson **Motion passed (7-0-0-1)**

## 2. Council Referral: Portable Sign Pilot Project

Speakers: None

Action: It was MSC (Zander/Humbert) to adopt the recommendations of the Pedestrian Subcommittee as amended and to review the pilot after one year from enactment. The Transportation Commission recommends the Portable Sign Pilot program should be expanded city-wide within the City of Berkeley. Consideration of the portable sign pilot program should include, but not be limited to, the following:

City of Berkeley business owners who are required to have a business license and who wish to place a portable sign on public property should provide to the appropriate City of Berkeley agency the following items:

1. Completed application
2. Permit fee (checks, cash or money order or credit card) | **(The permit program should be financially self-sustaining)**
3. Pay the initial application fee (one-time payment)
4. If the permit is denied, the fee will be refunded in full.
5. Consent form (to place a sign in front of another property)
6. General Liability Insurance of a minimum of \$500,000
7. Said insurance must name the City of Berkeley as Additional Insured on the certificate of insurance
8. Release of Liability Form
9. Measurements of the portable sign to ensure it meets the design requirements
10. Diagram of the surrounding area with dimensions to the curb and front property
11. Photograph of the sign in the proposed location

### **Portable Sign Design Requirements**

1. The sign shall be free-standing A-frame design, Inverted T-frame, or Flag style with a professional standard finish.
2. The sign area of a single-sided portable sign shall be no longer than twelve (12) square feet in area. Each face of double-faced or sandwich board sign shall be no longer than two and a half feet wide and five feet high. (ord. 7120-NS 8 (part), 2009)
3. The base of the sign must be sufficiently weighted down to maintain stability. It cannot be affixed to trees, bus stop poles, utility poles or lighting fixtures, must not contain any moving or spinning parts or lights, vulgar or indecent photos and/or language, and may not have any mirrored finishes, which may distract drivers.
4. All corners of the sign must be rounded with no sharp edges.
5. Signs must be durable to withstand rainy and/or windy conditions without tipping over, sliding or rocking.

**Sign and Permit Location, Placement & Code Violations**

1. The permit must be prominently displayed in full public view.
2. Signs must be moved indoors when the business is closed.
3. Signs must not impede pedestrian travel on the sidewalk or block entry to the public right of way or any other property.
4. Signs must be at least 6 feet from property line and 20 inches from the curb.
5. No signs may be placed in a center median or close to ramps.
6. Signs may be located at the business frontage.
7. Signs may not block or obstruct access to fire hydrants, parking meters, bicycle racks or be placed on the sidewalk near a parking curb where a vehicle may legally stop and the door may become ajar.
8. Signs are not permitted adjacent to a disabled parking space, a bus stop, taxi curb or a loading dock.
9. Owners who receive more than two code violations within a year shall have their permit revoked.

**Sign Maintenance**

1. Sign must be keep in good condition at all times and placed in the approved location
2. Replacement businesses require a modified permit
3. The sign must be professional, clean, not have any cracks, broken chips, missing letters or any other visible impairments that would be associated with blight.

**Examples of Sign Styles**

1. A-Frame Style	2. Inverted T-Frame	3. Flag Style
------------------	---------------------	---------------



Ayes: Gerhardstein, Humbert, Lathbury, McCaughrin, Roberts, Thomas, Zander Noes:  
None Abstain: None Absent: Watson **Motion passed (7-0-0-1)**

**3. Council Referral: Pedestrian Safety on Sacramento Street**

Speakers: 0

Action: It was MSC (Roberts/Thomas) that the Commission concurs with staff proposal to install Senior Facility/ Zone signs and reduce speed limit from 30 mph to 25 mph on both approaches to Bancroft, and install Ped Xing sign in the median.

Ayes: Gerhardstein, Humbert, Lathbury, McCaughrin, Roberts, Thomas, Zander  
Noes: None Abstain: None Absent: Watson **Motion passed (7-0-0-1)**

**4. Ashby/Highway 13 Corridor Projects- Quarterly Update**

Speakers: 3

Action: None

Staff (Javandel) provided a Project Status summary table dated September 11, 2014. In response to request from Chair of the Fourth Bore Coalition, staff will post the consultant's analyses of the previously-considered "pedestrian scramble" and protected left turn lane at College/Ashby on the web.

**C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS**

1. Subcommittee Reports (Verbal reports from Bicycle, Parking TDM, Pedestrian, Traffic Calming, Transit, Subcommittees and Public Works Liaison)
2. Council Summary Actions 2014\*
3. Link to Council and Agenda Committee Agendas and Minutes  
<http://www.ci.berkeley.ca.us/citycouncil/>
4. Subcommittees and Liaisons- Updated 7/17/14\*

**D. COMMUNICATIONS**

*Received at 7/17 meeting:*

1. Transcript of comments by David Powell – Proposal HealthRide\*

**E. FUTURE AGENDA ITEMS**

Ashby/Hwy 13 Corridor Projects - January  
Center Street Garage & Bike Station  
Telegraph/Southside Improvements  
Bike Lights/Night Safety Program  
Traffic and Pedestrian Safety Programs

Shattuck Avenue Reconfiguration Project  
Hearst Ave Complete Streets Project  
Downtown Plaza Project  
~~CR: Ped Safety on Sacramento~~  
~~CR: Portable Sign Pilot Program~~

**F. ADJOURNMENT**

*It was MSC (Zander/Humbert) to adjourn the meeting at 10:30 PM. Unanimous. Absent: Watson*

Public Present: 6

Speakers: 6

Commission Secretary: Farid Javandel, Public Works/Transportation Division, 1947 Center St., 3rd Floor, Berkeley, CA, 94704, Telephone (510) 981-7061, email: [fjavandel@ci.berkeley.ca.us](mailto:fjavandel@ci.berkeley.ca.us), Fax: (510) 981-7060

Minutes on the web: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13086>

# SIDEWALK SEATING – IN FOUR EASY STEPS

The sun is shining...

The sidewalks are clean...

The flower baskets are blooming...

**Time for sidewalk seating!**



Increase your visibility, grow your business,  
and let your customers enjoy the new improved Downtown Berkeley.

## Four easy steps for sidewalk seating permit with City of Berkeley:

1. Create a site plan
2. Provide certificate of liability insurance
3. Pay permit fee
4. Submit attached application

it starts here.

**DOWNTOWN  
BERKELEY**

Information provided by Downtown Berkeley Association  
510.549.2230 x10 [info@downtownberkeley.com](mailto:info@downtownberkeley.com)

# Sidewalk Seating – In Four Easy Steps – Detail

Note: A business must already be permitted as a quick-service or a full-service restaurant or café before applying for sidewalk seating.

## 1. Create a site plan

- a. Show all street furniture, trees, vaults, curb cuts, and any other elements with their exact dimensions that are in the public right-of-way.
- b. Show a six (6) foot minimum continuous path of travel between wheelchair ramps/curb cuts within the sidewalk area. The path of travel cannot include the areas where the trees, planters, bike racks, etc are located.
- c. Provide dimension details of the proposed tables, chairs, or benches. Chairs are required to have at least an area of 24" x 24" to accommodate them. Show proposed location of the tables, chairs, planters, or benches on your Site Plan.

## 2. Provide certificate of liability insurance

- a. Minimum liability insurance coverage is \$1,000,000 for sidewalk seating (includes all tables and chairs)
- b. Minimum liability coverage is \$500,000 for benches, planters, or decorative noncommercial installations
- c. Said insurance must name the City of Berkeley as Additional Insured on the certificate of insurance

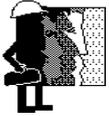
## 3. Pay permit fee:

- a. \$127 – Initial Application Fee (paid once)
- b. Permit Fee- \$153 (paid every year), Plus...
- c. \$7.50 per linear foot of chairs & tables along the frontage of the business (no per-foot cost for benches & planters) (paid every year)

## 4. Complete attached form called "Application for Sidewalk Café Seating, Planters, and Benches"

- a. Find the form at:  
[http://www.downtownberkeley.com/downloads/Sidewalk\\_Seating\\_Application.pdf](http://www.downtownberkeley.com/downloads/Sidewalk_Seating_Application.pdf)

Then, bring or mail the above items to the Permit Service Center (2120 Milvia St. Berkeley, CA 94704) to submit the application.



# PLANNING & DEVELOPMENT

Permit Service Center  
2120 Milvia Street, Berkeley, CA 94704  
Main Tel: 510.981.7500 TDD: 510 981-6903 Fax: 510 981-7505  
Scheduling Inspections: 510 981-7444 Eng. Inspector: 510 981-7440  
Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)



## APPLICATION FOR SIDEWALK CAFÉ SEATING, PLANTERS, AND BENCHES

Application # \_\_\_\_\_ New Application \_\_\_\_\_ Renewal \_\_\_\_\_

Street Address: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Applicant/Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Number of Tables: \_\_\_\_\_ Number of Chairs: \_\_\_\_\_ Number of Benches: \_\_\_\_\_

Hours of Occupancy: From \_\_\_\_\_ to \_\_\_\_\_ (Mon Tue Wed Thu Fri Sat Sun)

Berkeley Business License \_\_\_\_\_

### SUBMITTAL REQUIREMENTS CHECKLIST

- Dimensioned Site Plan, showing all street furniture, trees, vaults, curb cuts, and any other elements that are in the public right-of-way.
- The Site Plan must show a six (6) foot minimum path of travel for pedestrians. The path of travel must be in the accessible sidewalk area, and cannot include the portion of the public right-of-way reserved for street furniture.
- Provide details regarding proposed tables, chairs, or benches. For purposes of determining space required for chairs, please use an area of 24" x 24". Show proposed location of the tables, chairs, planters, or benches on your Site Plan.
- Proof of Insurance naming City of Berkeley as Additional Insured. For Sidewalk Seating, minimum liability coverage is \$1 million. For Benches or Planters, or Decorative noncommercial installations, minimum liability coverage is \$500,000.

## CONDITIONS OF APPROVAL

1. Prior to placement of seating, the permittee shall demonstrate possession of liability insurance in the amount of at least one million dollars (\$1,000,000). Said insurance shall name the City of Berkeley as Additional Insured and shall be in a form acceptable to the City Attorney.
2. Prior to placement of planters or benches, the permittee shall demonstrate possession of liability insurance in the amount of at five-hundred thousand dollars (\$500,000). Said insurance shall name the City of Berkeley as Additional Insured and shall be in a form acceptable to the City Attorney.
3. Sidewalk Cafe Seating shall remain in the location and configuration shown on the approved site plan, and the number of tables and chairs shall not be increased without prior approval of the Public Works Department.
4. At least half of the seats shall be wheelchair accessible. Accessible tables shall have clear floor space with minimum dimensions of 30 inches by 48 inches, maximum height of 34 inches, and minimum knee space of 27 inches high, 30 inches wide and 19 inches deep.
5. All Sidewalk Cafe Seating components shall be stored in a secure location on private property when not in use.
6. The permittee shall regularly inspect and clean the Sidewalk Cafe Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be placed immediately inside the entrance of the establishment.
7. The permittee shall monitor and control the use of the Sidewalk Cafe Seating so as to prevent disturbance of the surrounding neighborhood.
8. No alcoholic beverages shall be served to the Sidewalk Cafe Seating at any time.
9. Pursuant to BMC Chapter 12.70, smoking is prohibited in the Sidewalk Cafe Seating, and "No Smoking" signs shall be conspicuously posted in the seating area.
10. Sidewalk Cafe Seating shall not be used before 7 a.m. or after 10 p.m. without prior approval of the Zoning Officer. The Zoning Officer may modify these hours as necessary to avoid detriment or to achieve conformance with revised City standards or policies.
11. If the seating authorized by this Permit is found to be in conflict with existing or proposed public facilities or improvements, such seating shall, upon written demand of the City Manager or his/her designee, and at the sole expense of the permittee, be removed or relocated in such a way as to eliminate the conflict. Should the permittee fail to comply with said demand within a reasonable period of time, the City may relocate such seating at the expense of the permittee. Noncompliance shall also be a violation of the Ordinance.

12. Permittee's Liability: By accepting this Permit, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Cafe Seating, Benches, or Planters connected with this permit.

13. Additional Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

<b>For Office Use Only:</b>				
Approved	# Chairs	_____	Insurance Carrier	_____
	# Tables	_____	Insurance Policy #	_____
	# Benches	_____	Telephone #	_____
	Lineal Feet	_____	Insurance Expiration	_____



Office of the City Manager

**B2a**

INFORMATION CALENDAR

July 19, 2016

To: Honorable Mayor and Members of the City Council  
From: Commission on Disability  
Submitted by: Martha Singer, Chairperson, Commission on Disability  
Subject: Additional spaces for parking for persons with disabilities at new Center Street Garage

INTRODUCTION

The Center Street Garage renovation as planned will have only 14-16 spaces out of 720 that will be accessible and specified as Disabled Person parking. This appears to be too few to meet the need for accessible parking in Berkeley. The Commission on Disability learned of this situation late, and feels that this number is too low. Commission on Disability (COD) currently recommends obtaining additional input on how to determine the optimal number of Disabled persons parking places.

CURRENT SITUATION AND ITS EFFECTS

While it is likely that the city has investigated the optimal number of parking places for its general residents, the 14-16 disabled parking places designated in the current plan appears less than the optimal number of places for parking for persons with disabilities. Berkeley has many residents who need accessible parking and a history of being a safe haven and gathering place for the disability community. Additionally, the percentage of persons greater than 65 years old is increasing which is likely to further increase the need for accessible parking. It appears that the number of parking places for persons with disabilities was selected to meet the minimum requirements of the Americans With Disabilities Act (ADA). COD requests that the number of accessible parking places be optimized to meet the needs of the community.

There are limited parking choices in downtown Berkeley. and the Center Street garage is an important source of parking for people with disabilities. The lack of accessible parking would preclude participation in many community and cultural events for many individuals.

It is possible and likely that there is a more optimal number of accessible parking spaces that would be based on the proportion of Berkeley residents and visitors with disabilities. The specific numbers of Berkeley and area residents and visitors needing accessible parking compared to the numbers used in ADA minimal calculations are not readily available at this time. We would like some support from the City of Berkeley in determining and implementing the optimal number of accessible spaces. The changes

in the Center Street Garage will affect the community during construction as well, and changes at the garage will spill over into street parking for persons with disabilities.

**BACKGROUND:**

The Commission on Disability in its April 20, 2016 meeting approved the following B3b motion:

Action: It was moved seconded, carried (Weiss/Leeder) to recommend to City Council to increase the number of accessible parking spaces at the Center Street Garage Replacement Project from sixteen to twenty one.

Ayes: Leeder, Singer, Upadhyay, Walsh, and Weiss. Noes:0 Abstain: 0 Absent: 0  
Motion passed (5-0-0-0)

**ENVIRONMENTAL SUSTAINABILITY**

Planning now for availability of accessible parking to meet current and future needs of the disabled and ageing community is important in allowing continuity for the community without the need for frequent revision of parking allotment in downtown.

**POSSIBLE FUTURE ACTION**

We have prepared a council action item requesting 5 additional parking spaces for persons with disabilities, but seek information from the City to learn the optimal number of spaces for individuals with disabilities who wish or need to park in downtown Berkeley.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Unknown

**CONTACT PERSON**

Carmella Rejwan, Secretary of the Commission on Disability, Public Works,  
981-6341



Office Of City Manager

**B2b**

CONSENT CALENDAR  
September 13, 2016

To: Honorable Mayor and Members of the City Council  
From: Commission on Disability  
Submitted by: Martha Singer MD, Chairperson, Commission on Disability  
Subject: Additional spaces for parking for persons with disabilities at new Center Street Garage

RECOMMENDATION

Commission on Disability recommends five additional parking spaces for a minimum twenty one parking spaces for persons with disabilities.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CURRENT SITUATION AND ITS EFFECTS

The Center Street Garage renovation as planned will have only 14-16 spaces out of 720 that will be accessible and specified as Disabled Person parking. This appears to be too few to meet the need for accessible parking in Berkeley. The Commission on Disability learned of this situation late, and feels that this number is too low. Commission on Disability (COD) currently recommends 5 additional parking places for persons with disabilities.

BACKGROUND

The Commission on Disability in its April 20, 2016 meeting approved the following B3c motion:

Action: It was moved, seconded, carried (Weiss/Walsh) to send a letter from the Commission on Disability to City Council as soon as possible advising Council of the forthcoming Council item regarding increasing accessible parking at the Center Street Garage

Ayes: Leeder, Singer, Upadhyay, Walsh, and Weiss. Noes:0 Abstain: 0 Absent: 0  
Motion passed (5-0-0-0)

While it is likely that the city has investigated the optimal number of parking places for its general residents, the 14-16 disabled parking places designated in the current plan is less than the optimal number of places for parking for persons with disabilities. Berkeley has many residents who need accessible parking and a history of being a safe haven

and gathering place for the disability community. Additionally, the percentage of persons greater than 65 years old is increasing which is likely to further increase the need for accessible parking. It appears that the number of parking places for persons with disabilities was selected to meet the minimum requirements of the Americans With Disabilities Act (ADA). COD requests that the number of accessible parking places be optimized to meet the needs of the community. The changes in the Center Street Garage will affect the community during construction as well, and changes at the garage will spill over into street parking for persons with disabilities.

#### ENVIRONMENTAL SUSTAINABILITY

Planning now for availability of accessible parking to meet current and future needs of the disabled and ageing community is important in allowing continuity for the community without the need for frequent revision of parking allotment in downtown.

#### RATIONALE FOR RECOMMENDATION

There are limited parking choices in downtown Berkeley. and the Center Street garage is an important source of parking for people with disabilities. The lack of accessible parking would preclude participation in many community and cultural events for many individuals.

#### ALTERNATIVE ACTIONS CONSIDERED

It is possible and likely that there is a more optimal number of accessible parking spaces that would be based on the proportion of Berkeley residents and visitors with disabilities. The specific numbers of Berkeley and area residents and visitors needing accessible parking compared to the numbers used in ADA minimal calculations are not readily available at this time. We would like some support from the City of Berkeley in determining the optimal number of accessible spaces

#### 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.

**Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."**

#### CONTACT PERSON

Carmella Rejwan, Secretary of the Commission on Disability, Public Works,  
981-6341

RESOLUTION NO. ##,###-N.S.

SHORT TITLE OF RESOLUTION HERE

WHEREAS, The ; and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that  
(Action to be taken) - ends in a period (.)

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a  
period (.)

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



Office of the City Manager

**B3**

INFORMATION CALENDAR

July 19, 2016

To: Honorable Mayor and Members of the City Council  
From: Commission on Disability  
Submitted by: Martha Singer, Chairperson, Commission on Disability  
Subject: Incorporating Principles of Universal Design

INTRODUCTION

The Commission on Disability has had several meetings including most recently the May 18, 2016 meeting regarding Universal Design (UD). Universal Design involves the process of creating buildings, products and environments that are usable by people of all ages and physical capacities. The objective being further to provide access to and to use of housing, workplaces, transportation as well as neighborhoods and other community destinations advancing the further principle that all individuals, regardless of ability, should be valued equally.

The Center of Universal Design at North Carolina State University developed 7 principles of design:

Equitable use  
Flexible use  
Intuitive use  
Perceptible information  
Tolerance for error  
Low physical effort and  
Size and space for approach and use.

The UD principles should be relevant considerations to the development of ordinances and codes as well as serve as guideposts for planners.

Enclosed is additional information regarding UD (article called "Quicknotes by the American Planning Advisory Service" and article called "Zoning for Universal Design and Visibility" by Jennifer S. Evans-Cowly). The Commission will continue to actively solicit input from experts and community on UD and will provide this material to Council. The Commission hopes that Council will find the information useful and incorporate such principles whenever possible.

## CURRENT SITUATION AND ITS EFFECTS

Berkeley has a special history in planning for accessibility. Universal Design is a larger concept than strictly meeting the minimal legal requirements, and takes the spirit of inclusion further by consideration of all users and visitors of a structure, young and old, aging in place, and visitability. The Commission on Disability wants to keep the Council informed as we explore ways to make Berkeley more inclusive in future plans for civic structures, transportation, and housing.

## BACKGROUND

The Commission on Disability in its May 18, 2016 meeting approved the following motion under Universal Design:

B1.a. Action: It was moved, seconded, carried (Weiss/Walsh) to transmit to Council the following items as follow up information on Universal Design:

1. Quick-notes, a publication by the American Planning Advisory Service. (B1b).
2. Draft for Universal Use-Zoning for Universal Design and Visitability, by Jennifer S. Evans-Cowley, PhD. Aicp. (B1b.2)  
Ayes: Graham, Murray, Singer, Walsh, Weiss. Noes: 0 Abstain: Murray Absent: 0  
Motion passed (4-0-1-0.)

## ENVIRONMENTAL SUSTAINABILITY

Planning now for structures that inclusively meet the needs of Berkeley residents over their lifespan is more sustainable than later modifications of existing structures.

## FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown

## CONTACT PERSON

Carmella Rejwan, Secretary of the Commission on Disability, Public Works,  
981-6341

Attachments:

- 1: Attachment 1-Article called "What is Universal Design" by Polly Welch.
- 2: Attachment 2-Draft for Universal Use-Zoning for Universal Design and Visitability, by Jennifer S. Evans-Cowley, PhD. Aicp. (B1b.2).



C2

Office of the City Manager

INFORMATION CALENDAR  
June 14, 2016

To: Honorable Mayor and Members of the City Council  
From: Commission on Disability  
Submitted by: Martha Singer, Chairperson, Commission on Disability  
Subject: Incorporating Principles of Universal Design

INTRODUCTION

The Commission on Disability has had several meetings including most recently the February 17, 2016 meeting regarding Universal Design (UD). Universal Design involves the process of creating buildings, products and environments that are usable by people of all ages and physical capacities. The objective being further to provide access to and to use of housing, workplaces, transportation as well as neighborhoods and other community destinations advancing the further principle that all individuals, regardless of ability, should be valued equally.

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- Perceptible information
- Tolerance for error
- Low physical effort and
- Size and space for approach and use.

The UD principles should be relevant considerations to the development of ordinances and codes as well as serve as guideposts for planners.

Enclosed is additional information regarding UD (article called "What is Universal Design" by Polly Welsh). The Commission will continue to actively solicit input from experts and community on UD and will provide this material to Council. The Commission hopes that Council will find the information useful and incorporate such principles whenever possible.

## CURRENT SITUATION AND ITS EFFECTS

Berkeley has a special history in planning for accessibility. Universal Design is a larger concept than strictly meeting the minimal legal requirements, and takes the spirit of inclusion further by consideration of all users and visitors of a structure, young and old, aging in place, and visitability. The Commission on Disability wants to keep the Council informed as we explore ways to make Berkeley more inclusive in future plans for civic structures, transportation, and housing.

## BACKGROUND

The Commission on Disability in its April 20, 2016 meeting approved the following motion under Universal Design:

a. Action: It was moved, seconded, carried (Weiss/Walsh) to approve the cover letter, as written and transmit to City Council with the article called "What is Universal Design" by Polly Welsh, publisher Adaptive Environments Center, item B3b. The cover letter to be in an accessible format with a Sans Serif font minimum 18 points.

Ayes: Leeder, Singer, Upadhyay, Walsh, and Weiss. Noes:0 Abstain: 0 Absent: 0  
Motion passed (5-0-0-0.)

## ENVIRONMENTAL SUSTAINABILITY

Planning now for structures that inclusively meet the needs of Berkeley residents over their lifespan is more sustainable than later modifications of existing structures.

## FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown

## CONTACT PERSON

Carmella Rejwan, Secretary of the Commission on Disability, Public Works,  
981-6341

Attachments:

- 1: Article called "What is Universal Design" by Polly Welch.
- 2: This Information item in font size 18 for the vision impair.



Office of the City Manager

C2

INFORMATION CALENDAR

June 14, 2016

To: Honorable Mayor and Members of the City Council  
From: Commission on Disability  
Submitted by: Martha Singer, Chairperson, Commission on Disability  
Subject: Incorporating Principles of Universal Design

INTRODUCTION

The Commission on Disability has had several meetings including most recently the February 17, 2016 meeting regarding Universal Design (UD). Universal Design involves the process of creating buildings, products and environments that are usable by people of all ages and physical capacities. The objective being further to provide access to and to use of housing, workplaces, transportation as well as neighborhoods and other community destinations advancing the further principle that all individuals, regardless of ability, should be valued equally.

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The UD principles should be relevant considerations to the development of ordinances and codes as well as serve as guideposts for planners.

Enclosed is additional information regarding UD (article called “What is Universal Design” by Polly Welsh). The Commission will continue to actively solicit input from experts and community on UD and will provide this material to Council. The Commission hopes that Council will find the information useful and incorporate such principles whenever possible.

#### CURRENT SITUATION AND ITS EFFECTS

Berkeley has a special history in planning for accessibility. Universal Design is a larger concept than strictly meeting the minimal legal requirements, and takes the spirit of inclusion further by consideration of all users and visitors of a structure, young and old, aging in place, and visitability. The Commission on Disability wants to keep the Council informed as we explore ways to make Berkeley more inclusive in future plans for civic structures, transportation, and housing.

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a. Action: It was moved, seconded, carried (Weiss/Walsh) to approve the cover letter, as written and transmit to City Council with the article called “What is Universal Design” by Polly Welsh, publisher Adaptive Environments Center, item B3b. The cover letter to be in an accessible format with a Sans Serif font minimum 18 points.

Ayes: Leeder, Singer, Upadhyay, Walsh, and Weiss.

Noes:0 Abstain: 0 Absent: 0 Motion passed (5-0-0-0.)

ENVIRONMENTAL SUSTAINABILITY

Planning now for structures that inclusively meet the needs of Berkeley residents over their lifespan is more sustainable than later modifications of existing structures.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown

CONTACT PERSON

Carmella Rejwan, Secretary of the Commission on Disability, Public Works,  
981-6341

Attachments:

1: Article called “What is Universal Design” by Polly Welch.

2: This Information item in font size 18 for the vision impair.

**D1**

-----Original Message-----

From: Hazel Weiss [<mailto:samnhazel@comcast.net>]

Sent: Wednesday, May 18, 2016 11:28 PM

To: Rejwan, Carmella <[CRejwan@ci.berkeley.ca.us](mailto:CRejwan@ci.berkeley.ca.us)>

Cc: [marthasinger@mac.com](mailto:marthasinger@mac.com)

Subject: Fwd: Fw: Get Out the VOTE with Ms. Wheelchair America 2016!

Dear Friend, Let's Get Out The Vote! Please join Dr. Alette Coble-Temple, Ms. Wheelchair America 2016, and the Arc of Alameda for a disability voter awareness event and fundraiser Monday, June 6, at the Ed Roberts Campus in Berkeley, CA. Please see details below. This is not a ticketed event - donations of any amount are welcome and appreciated but not required to attend. Bring some friends and come learn about the issues and how to make your vote count!

To RSVP through Facebook, click here

[https://m.facebook.com/MWA2016/?ref=m\\_notif&notif\\_t=share\\_comment&\\_tn\\_ =C](https://m.facebook.com/MWA2016/?ref=m_notif&notif_t=share_comment&_tn_ =C)

-----Original Message-----

From: Hazel Weiss [<mailto:samnhazel@comcast.net>]

Sent: Tuesday, May 24, 2016 10:46 PM

To: Rejwan, Carmella <[CRejwan@ci.berkeley.ca.us](mailto:CRejwan@ci.berkeley.ca.us)>

Subject: Fwd: Save Access Rights for Disabled Veterans, Children and Adults

From: HolLynn DLII <[noreply@list.moveon.org](mailto:noreply@list.moveon.org)>

To: [samnhazel@comcast.net](mailto:samnhazel@comcast.net)

Sent: Wed, 25 May 2016 03:53:11 -0000 (UTC)

Subject: Save Access Rights for Disabled Veterans, Children and Adults

It's happening now, and 219 of you have acted to stop it. Bravo! We need more signers to demonstrate enough strength to be taken seriously.

California State Architect Chet Widom has reduced access to parking, restaurants and sidewalks since he was appointed by Governor Brown in 2012 and he's planning more destruction of our access rights. Patricia Barbosa, a disability civil rights attorney, formerly with the California State Attorney General Office, states, The state architect's "historic failure to take into consideration the health and welfare of disabled persons when developing building standards must stop. By attempting to redefine what it means to provide access," the state architect "is diminishing the rights of persons with disabilities and excluding them from full and equal access to places of public accommodation."

Please ask Governor Brown to appoint a new state architect who will comply with state disability laws that prohibit reductions in access and require consultation with the disability community in the development of access standards. [http://petitions.moveon.org/sign/sign-or-kiss-your-access-1?mailing\\_id=34424&source=s.em.cr&r\\_by=6816051](http://petitions.moveon.org/sign/sign-or-kiss-your-access-1?mailing_id=34424&source=s.em.cr&r_by=6816051)

AND PLEASE ASK MANY OTHERS TO SIGN AND PASS IT ON, TOO! It's critical to get to thousands of signers to have an effect. Otherwise, this petition will backfire and tell the governor and his architect they can continue the destruction.

References

Visible links

. [http://petitions.moveon.org/sign/sign-or-kiss-your-access-1?mailing\\_id=34424&source=s.icn.em.cr&r\\_by=6816051](http://petitions.moveon.org/sign/sign-or-kiss-your-access-1?mailing_id=34424&source=s.icn.em.cr&r_by=6816051)