



City of Oakland
Mayor's Commission on Persons with Disabilities (MCPD)
Monday, November 20, 2023
5:30 p.m.-7:30 p.m.
Hearing Room 1, First Floor
One Frank H. Ogawa Plaza (City Hall), Oakland, CA 94612

THIS IS AN IN-PERSON MEETING

Members of the public participating in the meeting must attend in-person. When commenting folks shall state their name and the organization they are representing, if any.

PUBLIC WEBCASTING

The public can observe this meeting remotely.

- View the meeting live on KTOP or on the City's website at:
<https://www.oaklandca.gov/topics/ktop-tv-10>
- To view the meeting by video, click on the link to download Zoom and open the meeting on a computer or smart phone:
<https://us06web.zoom.us/j/86451808799>
- To listen to the meeting by phone, dial: (408) 638-0968
(For international numbers, go to: <https://zoom.us/j/86451808799>)
ZOOM MEETING ID: 864 5180 8799

Remote participation including public comment via teleconferencing is not available at this time. Hybrid meetings may commence once MCPD and the City of Oakland has established meeting procedures and allocated resources for simultaneously supporting in-person and remote participation.

Public Survey on Return to In-Person Meetings: A survey has been created to gather feedback from the public regarding board and commission meetings in the City of Oakland:
<https://us.openforms.com/Form/d98a20d5-72e7-4d23-8fc3-be13f6cd32bb>

Submitting Comments in advance of the meeting:

To send your comments directly to MCPD and staff ***BEFORE*** the meeting starts, please include your full name and agenda item number you are commenting on, to ADA Programs at adaprograms@oaklandca.gov with “MCPD Meeting Agenda Comments” in the subject line.

Please note that eComments submissions close one (1) hour before posted meeting time (5.30pm). All submitted public comments will be provided to the MCPD prior to the meeting.

If you have any questions, please contact ADA Programs at adaprograms@oaklandca.gov with “MCPD Meeting Agenda Question” in the subject line.

MCPD Webpage: www.oaklandca.gov/MCPD

Subscribe to MCPD’s mailing list:

<https://share.hsforms.com/1YUhtVL1vSvidgIBneJN12Qch6is>

Commissioners: Cathy Eberhardt (Acting Chair), Noah Smith (Acting Vice Chair), Ayanna Keeton, Marjorie Lynne, Kyle O’Malley, Fatimah Aure, Barry Robinson, Anwar Baroudi, Linda St. Julian, Benjamin Bartu

Commission staff: Anh Nguyen-ADA Programs Division Manager, Mark Romoser-ADA Program Analyst I

Agenda

- 5:30 1. In-person meeting logistics and rules
- 2. Roll Call/Determination of Quorum
- 5:35 3. Open Forum
Any person may directly address the Commission on any items within the jurisdiction of this Commission not on the agenda for today. Speakers wishing to address a specific item on the agenda may do so when invited at the time the item is being considered. There is no discussion allowed during Open Forum. Please raise your hand if you wish to comment and wait to be called on.

In-person public comment will only be taken during Open Forum and during specific requests for public comment. There may be time limits put on comments if necessary.

All discussion topics are first opened to MCPD commissioners for comment and then for public comment, unless otherwise stated. Staff will read any e-comments that was submitted.

- 5:45 4. Agenda Modification
MCPD Commissioners may move around the agenda items to better conduct the meeting.
5. Approval of October 2023 Minutes (**Exhibit A**)
- 5:50 6. Commissioner's Announcements
Commissioners will provide brief updates on their activities and make announcements relevant to the commission and the Strategic goals of the Commission. *There is no discussion during announcements.*
- 6:00 7. Councilmember Kalb's office – Reusable foodware ordinance by Matthew Malsin (**Exhibit B**)
- 6:20 8. Caltrans – Vision 980 project by Hunter Oatman-Stanford (**Exhibit C**)
- 6:40 9. Oakland Department of Transportation – electric vehicle charging stations in public rights-of-way by Michael Randolph (**Exhibit D**)
- 7:00 10. Forming an ad-hoc committee to explore hybrid meeting led by Commissioner Smith
- 7:05 11. Staff Updates and Announcements
Anh Nguyen, ADA Programs Division Manager

Future Agenda Items

Staff will briefly update on agenda items for upcoming meetings.

See MCPD scheduler at tinyurl.com/MCPD-AgendaPlanner. Suggestions for future agenda items are also welcome; email adaprograms@oaklandca.gov for suggestions.

- 7:15 12. Adjournment
(Meeting shall end no later than 7:30 p.m., unless extended by majority vote of the Commission.)

Note: The Commission May Take Action on Any Item on the Agenda

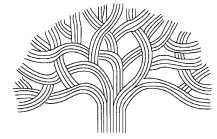
Agenda item start times are approximate and are provided as a courtesy guide only. Timing and order of items may change as part of Agenda Modification and Approval and/or as needed based on staff and time availability during the course of the meeting.



This meeting location is wheelchair accessible. To request disability-related accommodations or to request American Sign Language (ASL), Cantonese, Mandarin, or Spanish language interpreter, please email adaprograms@oaklandca.gov or call (510) 238-5219 (V) or 711 (California Relay Service) at least five (5) business days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantonés, mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a adaprograms@oaklandca.gov o llame al (510) 238-5219 (V) o al 711 para servicio de retransmisión (Relay service) por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 adaprograms@oaklandca.gov 或致電 (510) 238-5219 或 711 (電話傳達服務)。請避免塗搽香氛產品, 參加者可能對化學成分敏感。



City of Oakland

Mayor's Commission on Persons with Disabilities (MCPD)
Monday, October 16, 2023 5:30 p.m.-7:30 p.m.
Hearing Room 1, First Floor
One Frank H. Ogawa Plaza (City Hall), Oakland, CA 94612

Minutes

Commissioners: Cathy Eberhardt (Acting Chair), Noah Smith (Acting Vice Chair), Ayanna Keeton, Marjorie Lynne, Kyle O'Malley, Fatimah Aure, Barry Robinson, Linda St. Julian, Anwar Baroudi

Commission staff: Anh Nguyen-ADA Programs Division Manager, Mark Romoser-ADA Programs Division Program Analyst I

Presenters: Braz Shabrell, City Attorney's Office; Kevin McLaughlin, City Attorney's Office; Ruth Meza and Audrey Harris, Major Projects Division, OakDOT; Laura Kaminski, Planning and Building Department

Other attendees: Godfrey Wilson, Lenore Gunst, Sheela Gunn-Cushman

Anh Nguyen begins the meeting with a reminder of rules for in-person meetings:

- No food or open drink allowed in Hearing Room 1 to maintain a clean and professional environment.
- Drinks must be in a closed container to prevent any spills or accidents.
- When commissioners speak- please press the top-red button that says "mic" and when you are finished, please press the button again.
- To ensure clarity and transparency, when commissioners speak, please state your name before speaking.
- When a member of the audience is speaking or commenting- please first state your name and any affiliations you may have.
- Restrooms are located outside Hearing Room 1, near the elevators.

Roll Call

Exhibit A

- At roll call, quorum was established with six of nine commissioners present (X). Commissioner Lynne arrived at 5:39.

Commissioners	Present (x)
Cathy Eberhardt (Vice Chair)	X
Noah Smith (Vice Chair)	X
Ayanna Keeton	Absent
Marjorie Lynne	X
Linda St. Julian	X
Kyle O'Malley	Absent (excused)
Fatimah Aure	X
Barry Robinson	X
Anwar Baroudi	X

Open Forum:

- Lenore Gunst, chair of the Mayor's Commission on Aging (MCOA), explained that Human Services has been facing staffing issues, including frozen positions and the lack of a manager at Adult and Aging Services. She noted that Adult and Aging Services is being merged with Parks, Recreation and Youth Development, while Community Housing is being merged with another department. She mentioned that MCOA presented to the city council's Life Enrichment Committee the previous Tuesday, floated the idea of having MCOA meetings at the various senior centers rather than at City Hall, and pointed out that Community Resources for Independent Living (CRIL), the independent living center in Hayward, would be presenting to MCOA's November meeting. She brought up the idea of a multigenerational park, to be located at the downtown senior center and paid for with Measure W funds. Councilmember Carroll Fife, whose district includes the center, supports the project. Finally, Ms. Gunst announced that eight applications to serve on MCOA had been sitting in the mayor's office for quite some time.

Commissioner's Announcements

- Commissioner Baroudi briefly introduced himself.

Exhibit A

- Commissioner St. Julian introduced herself, and mentioned that a number of people had contacted her regarding disability-related issues.

Approval Of Minutes

- Acting Vice Chair Smith moved that the minutes from February 2023 be approved. Commissioner Lynne seconded. For March 2023, Commissioner Baroudi moved, Acting Vice Chair Smith seconded. For April 2023, Commissioner Lynne moved, Commissioner Baroudi seconded. For May 2023, Commissioner Lynne moved, Commissioner Baroudi seconded. For June 2023, Acting Vice Chair Smith moved, Commissioner Robinson seconded. For July 2023, Commissioner Lynne moved, Commissioner Baroudi seconded. A vote was taken. Ayes 7, nays 0. Motion carried.

Residential Elevator Ordinance

- Braz Shabrell from the City Attorney's Office gave their presentation.
- Acting Chair Eberhardt asked whether the \$250 per day allowance for alternative housing would be paid for by the building operator.
- Commissioner St. Julian asked whether the proposed ordinance applied to Oakland or Berkeley, and whether the provisions of the ordinance would apply in a situation where two of four elevators in a building were out of service.
- Commissioner Lynne asked whether the provisions would apply if the only working elevator was located a considerable distance from someone's apartment. She also asked about the definition of retaliation, and gave examples of retaliation such as landlords deliberately making units uninhabitable. She questioned the suitability of alternative housing, mentioning that some might be cheap, unsafe, or unsuitable for those with allergies.
- Commissioner Baroudi asked about qualification for alternative housing, and asked whether the \$250 per day housing allowance applied to each individual in an affected unit or to all occupants of the unit as a group.
- Commissioner Lynne asked how the ordinance would be publicized. She suggested a permanent posting similar to the OSHA poster that is found in workplace break rooms.

Exhibit A

- Commissioner Baroudi asked whether the ordinance would apply to commercial buildings.
- Acting Vice Chair Smith pointed out that attorney Celia McGuinness had been involved in drafting the ordinance. He also asked whether the ordinance would apply to those with temporary disabling conditions as well as those with permanent disabilities.
- Commissioner Robinson asked whether older buildings would be grandfathered out of the ordinance. Braz Shabrell replied that they would not, but that an exception would be granted for buildings whose elevators had not been operational since any of its tenants moved in.
- Commissioner Baroudi asked why hospitals and other health care facilities were exempt. Braz Shabrell replied that a similar exemption exists in other city ordinances such as the rent ordinance.
- Mr. Romoser read public comment from John Coleman, who mentioned ongoing problems with the elevators at his residential hotel.
- Member of the public Sheela Gunn-Cushman commented that while the Oakland Housing Authority has an ADA coordinator, their ADA compliance was inadequate. They also suggested that the presentation should be given to the Oakland Tenants Union, described their experience in an apartment complex in Alameda County in which one of the two elevators was located in a dark, smoky hallway, and pointed out that the state Unruh Civil Rights Act applied as well as the ADA. In their capacity as emergency preparedness coordinator at the Center for Independent Living in Berkeley, they mentioned that many people refuse relocation assistance because they fear a lack of support once relocated. They gave an example of an elevator that had been out of service for over a year, and the Disability Rights California should get involved.
- Member of the public Lenore Gunst asked why Berkeley was chosen as the model for the ordinance. Braz Shabrell replied that it has been working well in Berkeley, and that it was recommended to her.
- Acting Vice Chair Smith mentioned that a disability rights housing attorney had flagged Berkeley as an example.
- Member of the public Godfrey Wilson asked about transportation options for those being relocated.
- Braz Shabrell mentioned that the ordinance would be heard by the city council's Community & Economic Development Committee on November 14, and by the full council on December 6.

Exhibit A

Update On Lawsuits Against The City

- Kevin McLaughlin from the City Attorney's Office gave his presentation.
- Mr. McLaughlin mentioned that a trial date for *Smith v. Oakland* had been set for August 2024.
- Acting Vice Chair Smith asked if MCPD might have any input into a potential settlement. Mr. McLaughlin agreed in principle, but noted that the window for any settlement is closing.
- Commissioner Baroudi asked whether the city had a preferred outcome. Mr. McLaughlin noted that San Francisco is currently fighting a case similar to *Curran v. Oakland*.
- Commissioner St. Julian pointed out that tree damage was not addressed, and that bikes often blocked sidewalks.
- Commissioner Baroudi asked about the costs in light of understaffing issues at OakDOT. Mr. McLaughlin replied that each curb ramp costs \$7300, which can be paid for with Measure UU funding.
- Commissioner Robinson asked if 311 could be used to identify problem sidewalks. He gave an example of narrow sidewalks at Foothill Blvd. and 23rd Ave. Mr. McLaughlin replied that the city does cite owners for encroachment onto the public right of way. Comm. Robinson noted that some of the sidewalks dated back to the 1920s and 30s. Mr. McLaughlin noted that the city's sidewalk ordinance and buy/sell/repair ordinance would both apply.
- Commissioner Lynne asked if homeowner's insurance would pay for property owners to repair the sidewalks in front of their properties.
- Commissioner St. Julian asked who was responsible for damage caused by uplifting tree roots.
- Member of the public Sheela Gunn-Cushman pointed out that the ADA is meant to be a floor rather than a ceiling. They suggested that the city plant trees that are not subject to uplifting. They also brought up directional wayfinding, in which curb ramps steer blind people in the proper direction, as opposed to the common practice of corner-cutting, where only one ramp is installed at each corner, and noted that cars frequently block bus stops.

Broadway, MLK Jr. Way and 7th Street Projects

Exhibit A

- Ruth Meza and Audrey Harris gave their presentation.
- Commissioner Baroudi noted that busy bus lanes are not protected. He singled out the bus lanes on International Blvd. as being frequently abused by speeding cars. He also pointed out that parking and turn lanes can conflict with protected bus lanes. He asked Ms. Meza and Ms. Harris whether the stretch of Broadway between 6th and 7th streets depicted in the presentation was meant to depict parking or a turn lane.
- Commissioner St. Julian pointed out that the bus lanes used for Tempo bus service along International Blvd. caused a loss of parking spaces. Ms. Meza replied that the Tempo project was planned jointly by OakDOT, Alameda County Transportation Commission, and AC Transit, and that parking along the route met ADA standards.

General Plan Phase 2

- Laura Kaminski gave her presentation.
- Commissioner Robinson asked if the redlining maps shown in the presentation would be used to identify problem areas. Ms. Kaminski replied that they would be used to identify environmental justice communities for the plan's infrastructure element.
- Member of the public Sheela Gunn-Cushman mentioned that Hayward Parks and Rec is taking a similar look at its parks.

Ad Hoc Committee to Explore Hybrid Meetings

- Acting Vice Chair Smith noted that he had no new information relating to the topic of hybrid meetings.

Staff Updates and Announcements

- In the interest of time, Mr. Nguyen announced he would be sending the staff announcements to the commissioners by email.

The meeting was adjourned at 7:41.

Reusable Foodware

A Plastic and Climate Solution that Helps
Businesses Save Money

— **November 20th, 2023** —

Disposable foodware - part of a “throwaway economy”

15% of wood

22% of aluminum

40% of plastic

50% of glass





**7 TRILLION
PIECES OF
PLASTIC ENTER
THE SF BAY
EVERY YEAR!**

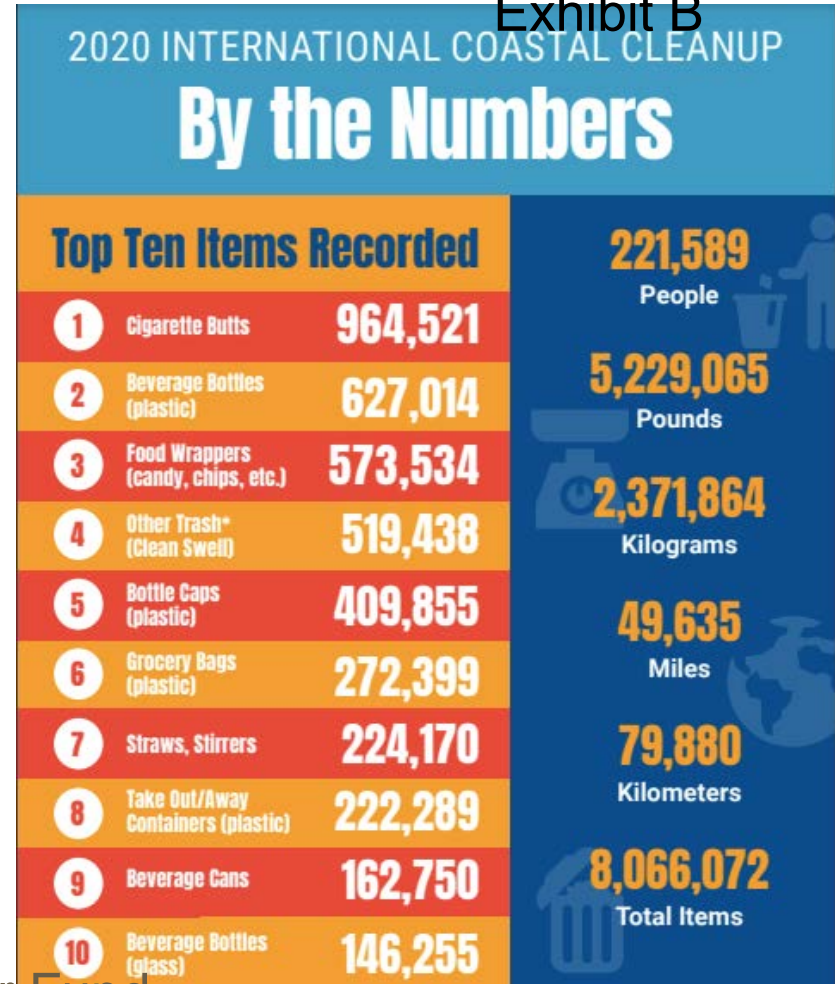


67%

of Bay Area street litter bound for local and coastal waterways is **disposable food & beverage packaging***

75%

of top 10 littered items collected in Coastal Cleanup are **food and beverage packaging**



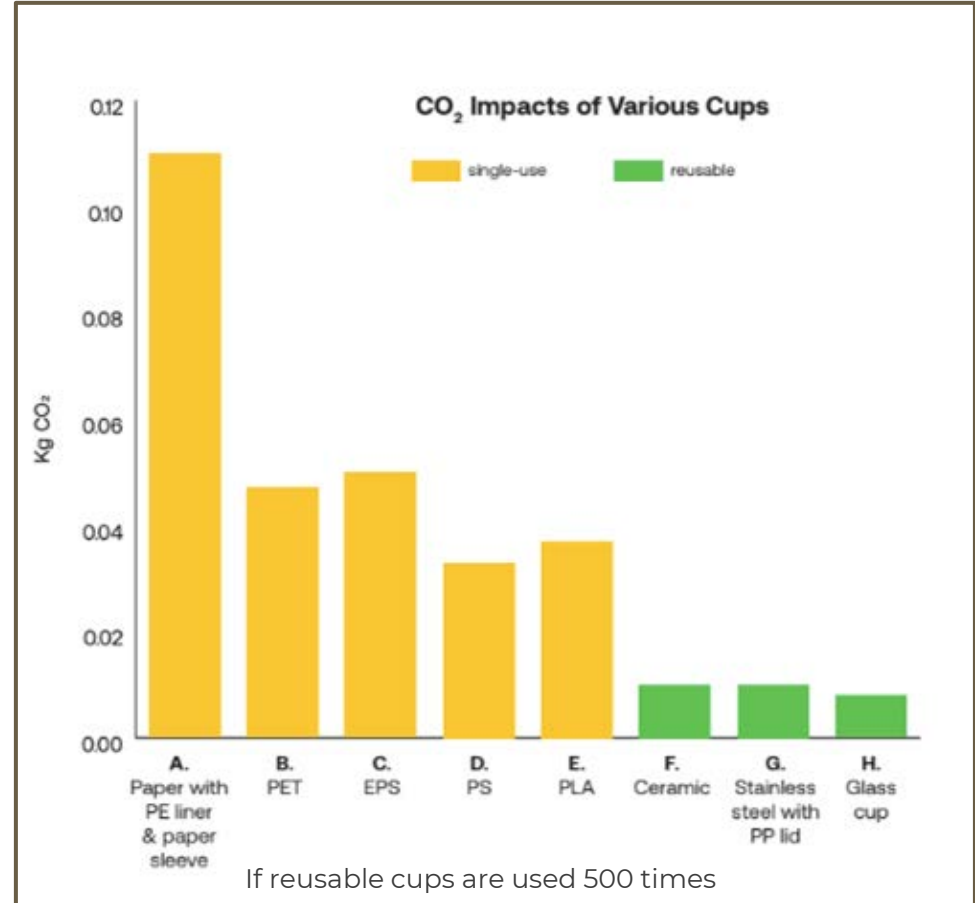
*2011 SF Bay regional study - Clean Water Fund

Reuse is a Climate Solution

Disposable paper, plastic, and bioplastic cups result in **3-10 x higher CO2 emissions**

emissions

than reusable ceramic, stainless steel and glass cups over a lifetime of 500 uses.



Restaurants that switch to reuse reduce waste and save money

- **\$3,000-\$22,000** in annual net cost savings
- Average of **110,000** disposable packaging items eliminated every year
- Average of **1,300** pounds of waste reduced each year
- See an overall **60% reduction** of packaging items*

*Data from ReThink Disposable, Clean Water Fund



Combined Policies - cost savings

	Accessories Upon Request ONLY		Dine-In Reusables Policy ONLY		Policies COMBINED	
Restaurant Sector	Restaurant Cost Savings	Restaurant Sector Cost Savings	Restaurant Cost Savings	Restaurant Sector Cost Savings	Restaurant Cost Savings	Restaurant Sector Cost Savings
Café/Bakery/Snack	\$7,487	\$658,812	\$4,319	\$380,028	\$11,805	\$1,038,840
Fast Casual	\$626	\$62,608	\$4,687	\$468,650	\$5,313	\$531,258
Fast Food	\$6,143	\$1,050,516	\$4,701	\$803,895	\$10,845	\$1,854,410
Full Service	\$949	\$350,982	n/a	n/a	\$949	\$350,982
All Restaurants	\$2,912	\$2,122,917	\$4,603	\$1,652,573	\$7,515	\$3,775,490

Reusable Foodware Policies Enacted since Berkeley 2019

27 California cities & counties:

Arcata, Berkeley, Culver City, Cupertino, Daly City, Fairfax, Goleta, Half Moon Bay, Larkspur, Mill Valley, Novato, Sausalito, San Rafael, Tiburon, Los Angeles County, Marin County, Pacifica, Palm Springs, Ross, San Anselmo, San Rafael, Santa Rosa, Sebastopol, Watsonville, Santa Cruz City and County, Truckee

Outside California cities:

Quezon City, Philippines
Bainbridge and Bellingham, WA,
Edmonton and Banff, Canada

Countries:

Chile, France, Taiwan, the Netherlands

Policies in Oakland's Ordinance

- Reusable Food Service Ware Required for Dining on Premises.
- Customer-Provided Reusable Beverage Cups and Food Containers for Take-Out.
- Accessories Only Upon Customer Request.
- Reusable Beverage Cups at City Facilities, Large Venues, and Events.
- City Purchase, Sale, or Distribution of Packaged Water Prohibited.
- Accessible Water Bottle Refill Stations.
- Compliant Disposable Food Service Ware for Food Service.
- Distribution of Non-Compliant Food Service Ware Prohibited.
- Polystyrene Foam.

Accessibility Concerns

Who is exempted as a “Prepared Food Vendor” under this ordinance?

- hospitals, public agencies other than the City, public and private schools, senior centers, prisons and jails are exempt.

Reuse for onsite dining:

- Condiments shall be served in reusable containers or bulk dispensers.
- Restaurants can carry disposable condiments and straws to be used if necessary

Accessibility Concerns cont'd.

Accessories Only Upon Request

- Condiments shall be served from bulk dispensers for containers.
- Restaurants can carry disposable condiments and straws to be used if necessary

Accessible Water Bottle Refill Stations

- City Attorney's office recommended against requiring this.
- We ask that the city administration to convert any non-accessible refill station to an accessible one by 2026.
- We ask that city facilities in Oakland have 1 accessible refill station per 500 visitors

Vision 980 Presentation to Mayor's Commission on Persons with Disabilities

November 20, 2023



Reconnecting Communities

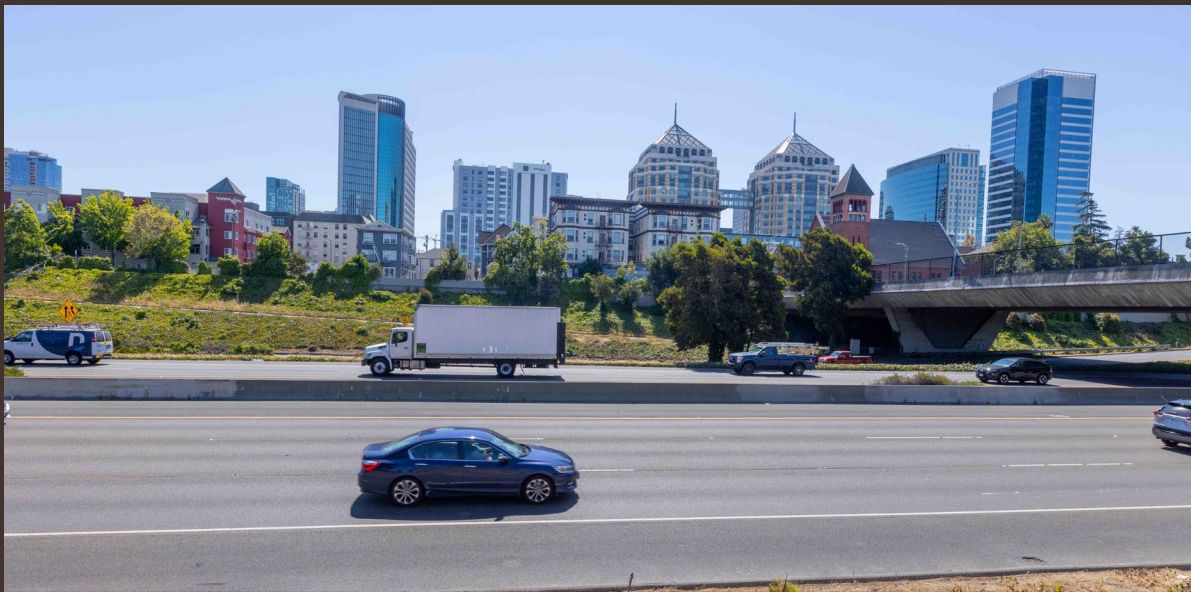
Exhibit C

Project Summary

What: To improve connections between West Oakland and Downtown Oakland

Why: I-980 is a barrier to travel and economic opportunities

How: In collaboration with partners, stakeholders and the public



**Focus
On:**

Acknowledging past injustices and racist decision making

Reintegrating communities

Addressing environmental justice

Improving transportation options

Phase 1

Identify a new concept and vision for transportation and land use along the entire I-980 corridor.

Phase 2

Perform a more detailed feasibility and technical analysis of the concept/vision

Develop an evaluation framework to ensure the vision meets equity performance measures or benchmarks.

Explore Options:



Improving public transit connections



Providing pedestrian and bicycle paths or bridges



Redesigning roadways and over/underpasses for walking, biking, transit



Capping the freeway to expand open space



Transforming the freeway to create new land use opportunities

We need your help!

Sign up here to provide feedback and learn more about study activities:

<https://lp.constantcontactpages.com/su/SStgb55/vision980>

Visit our website for more info:

<https://dot.ca.gov/caltrans-near-me/district-4/d4-projects/vision-980>

Contact Info:

Becky Frank

Community Planning Branch Chief

Vision980@dot.ca.gov



Reconnecting Communities

Exhibit C

Zero Emission Vehicle (ZEV) Plan Update: Charging in the Public Right of Way

A DISCUSSION OF A POSSIBLE ZEV
CHARGING ORDINANCE AND ACCESSIBILITY

Review – Zero Emission Vehicle Action Plan

- Action – Public Charging #1: Amend the Oakland Municipal Code (OMC) to Facilitate and Regulate Equitable EV Charging in the Public Right-of-Way
- Action – Public Charging #2: Create a Residential Curbside EV Charging Strategy and Ordinance
- Action – Public Charging #3: Develop and Implement a Program to Deploy EV Charging Infrastructure in Frontline Communities
- Partnering with The Berkeley Center for Law, Energy, and the Environment (CLEE) for Legal Research and Priority EV Charging Locations Map

Today: Accessibility and the Public Right-of-Way

- OakDOT uses US Access Board guidelines for on-street parking requirements and other best practices such as Caltrans guidelines and standards.
- “The Department of Transportation (DOT) shall ensure that all public right of way (PRoW) improvement programs under its jurisdiction or control include construction or reconstruction of on-street accessible, or disabled, parking facilities in accordance with this policy.”
- Residential Areas: Residential Disabled Parking Zones (RDPZ)

Today: Accessibility and the Public Right-of-Way

On-Street Accessible Parking Spaces	
Total Number of Metered/Marked Parking Spaces on Block Perimeter	Minimum Required Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3

*Non-Residential Areas

Under Development – A Better Public EV Charging Process

- Create **public right-of-way design guidelines or thresholds** designated by OakDOT in consultation with stakeholders
- Process changes to **streamline encroachment permits** for EV chargers in the public-right-of-way.
- Define accessibility requirements for EV chargers in the public right-of-way and establish a geographic or threshold approach to meeting accessibility requirements, similar to current City policy.

Under Development – A Better Public EV Charging Process

- Define solutions and guidelines for residents charging vehicles in front of their homes in the public right-of-way -> Discourage electric cords ran across sidewalk
- Establish a program for **community benefits and economic development** associated with investments in EV charging in the public right-of-way

Under Development – A Better Public EV Charging Process

- Possible solutions for Residential EV Charging at the Curb:
 - Through the Sidewalk – Create a cut or trough in the sidewalk and put a grate over the top.
 - Over the Sidewalk – An ADA compliant ramp or “aerial support systems” to suspend a cable overhead
 - Under the Sidewalk – A larger conduit under the sidewalk

Under Development – A Better Public EV Charging Process



Photo - Example of Grate that would go over a trough on sidewalk



Photo - Example of ADA compliant Ramp that covers electrical charging cords

Thank You

This PowerPoint was created by the
OakDOT: Parking & Mobility Division
(510) 238-6613
mrandolph@oaklandca.gov