

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU  
City Attorney

OFFICE OF THE CITY ATTORNEY

Phone: (415) 554-4700  
Email: [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Michelle Uzeta  
Executive Director  
Disability Rights Education & Defense Fund  
3075 Adeline Street, Suite 210  
Berkeley, CA 94703

September 18, 2026

Dear Ms. Uzeta,

Thank you for your August 28, 2026, letter concerning the City's pending appeal in *Kirola v. City and County of San Francisco*, No. 25-6844 (9th Cir.).

The City has a long-standing commitment to accessibility that is unchanged by this litigation and appeal. San Francisco has spent hundreds of millions of dollars to guarantee access throughout the hundreds of unique parks, playgrounds, and recreation facilities maintained by the San Francisco Recreation and Parks Department. That is just one sliver of San Francisco's commitment to accessibility across the City's wide range of programs, services, and activities.

When this case was filed in 2007, both the City and disability advocates maintained that it lacked merit. After this case went to trial in 2011, the Court conclusively found that San Francisco has a sophisticated and robust infrastructure to ensure accessibility in its parks, playgrounds, and recreation facilities. It also recognized that the City's employees fundamentally understand accessibility and contribute to that sophisticated and robust infrastructure that safeguards the rights of the disabled community in San Francisco. For well over a decade, those conclusive findings were unchanged, and the City maintained its commitment to access.

After fifteen years of litigation, this case was reassigned to a new judge who did not preside over trial, who recently issued a sweeping and unprecedented injunction that far exceeded the issues put to trial in 2011. In addition to disregarding conclusive findings about the City's commitment to accessibility, the injunction threatens the City's autonomy to maintain its sophisticated and robust infrastructure over a wide range of disability services and community programs. It also jeopardizes San Francisco's ability to exceed federal accessibility design standards and modernize older facilities not subject to the ADA. Despite zero evidence of the Plaintiff being unable to access a single park, playground, recreation facility, or pedestrian right of way in the City, the injunction would require San Francisco to conduct an incredibly costly and burdensome survey of every facility maintained by the Recreation and Parks Department. Because of the significant potential consequences on all City services and the City's finances, the City had to defend itself and raised various legal arguments to safeguard its autonomy for the public, advocates, and City leaders working towards common goals with constrained resources.

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With respect to your concerns with the City's legal arguments, you and members of your coalition have already presented those arguments in your amicus brief, and the City has provided a comprehensive response to that brief on appeal. Respectfully, the City does not share your characterization of the legal arguments at issue, which are unique to the circumstances in the City's case. As the City maintains in its appeal briefing, the injunction can be reversed on multiple narrow grounds, and many of the issues presented could be easily avoided if the Plaintiff did not maintain unreasonable positions to justify an unprecedented injunction.

Regardless of the outcome in this appeal or litigation, the City remains committed to accessibility and will continue to safeguard the rights of the disabled community in San Francisco. We hope to work together in the future to that end.

Sincerely,



DAVID CHIU  
City Attorney