



# **Status Update: City of**

# **Sausalito Compliance with Americans with Disabilities Act and Related Codes**

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• ~~Fair Housing Amendments Act of 1988 and Americans with~~

Disabilities Act of 1990 -- discrimination against disabled persons prohibited in government programs, services and other activities.

• California Building Code -- intended to ensure that barrier-free design is incorporated in all buildings, facilities, site work and other developments, and to ensure that they are accessible to and usable by persons with disabilities

• 2005 budget included funds for revision of the City's Transition Plan

• July 25, 2006 Sally Swanson Associates retained to assist in the preparation the first phase of a Transition Plan revision

• June 24, 2008 City agreed to amend the contract to add additional services and extended the completion date but on terms that were unacceptable to the consultant.

• October 7, 2008, an agreement amendment acceptable to the consultant was approved.

• June 2009 draft is the current revision.

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• Transition Plan update next steps are:

- Focused outreach and public workshop to give the community the opportunity to participate in the self-evaluation process (tentatively Spring 2011)
- Maintain file and make available for public inspection a list of interested persons consulted, a description of areas examined and any problems identified, and a description of any modifications made to the Transition Plan
- Council adoption

## ~~Other Elements of Compliance - ADA Coordinator~~

Jonathon Goldman

### Responsibilities:

- Monitor the City's self evaluation and transition plan implementation including consultation with City management concerning the appropriate development and dissemination of policies.
- Administer the City's grievance process.
- Resource to the City regarding ADA and California State Laws regarding civil rights for persons with disabilities.
- City liaison with disability advocacy groups and support resources.
- Obtain input from the aforementioned groups regarding City's policies.
- Provide information to emergency management and safety teams who plan and coordinate disaster response within City facilities.



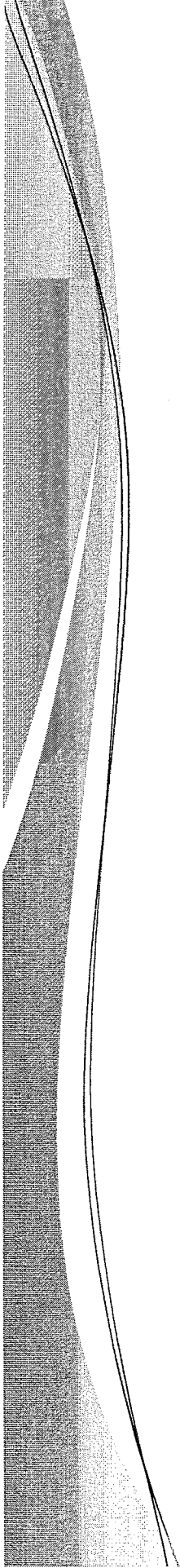
## Grievance Procedure:

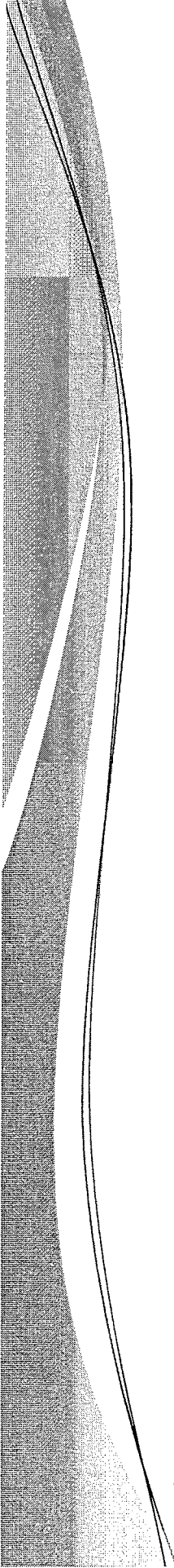
- A robust and readily available grievance procedure, easily accessible to City residents, employees, applicants, and visitors. Availability on the City's web page. Inform all City employees and volunteers regarding the grievance procedure and an ability to refer complainants to the ADA Coordinator.
- Assistance available for persons with disabilities as needed to complete the grievance procedure.
- Filing a grievance prompts an objective fact finding investigation with set time lines for review and response at each level. The complainant is informed of the grievance outcome.
- The City Attorney to review all negative findings prior to the dissemination of the final grievance report.
- Alternative dispute resolution available should an impasse be reached.



## • Recent complaints/grievances

- Special event – Caledonia Street Fair
- Accessible parking signage and cross-slopes
- Public right-of-way or access
- Several business establishments
- Fire alarm pull stations at PSF
- Actions
  - Investigating business establishment complaints and reporting status to complainant
  - Revised special event permit reviews/requirements
  - Better internal coordination on other permits
  - Mid-year budget request for ADA training line items

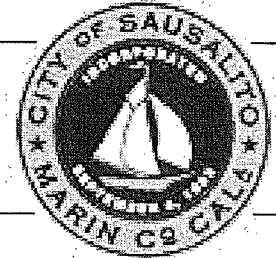
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- Actions (cont'd)
  - Coordinating with Office of State Fire Marshal on PSF pull-stations
  - Seeking consultant to assist with identifying stakeholders/interested persons for Transition Plan workshop as well as prioritizing right-of-way improvements for accessibility (parking, curb ramps, etc.)

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- Schedule
    - February 2011 – Mid-year Budget
    - Spring 2011 Public Workshop
    - Council Status Updates March 2011 and September 2011
  - Questions?



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City of Sausalito  
**ADA TRANSITION PLAN**



June - 2009

***Section I: Executive Summary***  
***Section II: Self Evaluation***  
***Section III: Access Compliance Assessment***



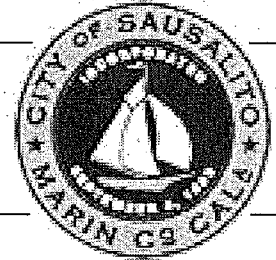
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City of Sausalito  
**ADA TRANSITION PLAN**



*June - 2009*

# Section: I

# Executive Summary

- A. Introduction
- B. Development of ADA Transition Plan
- C. Facility Master Priority List



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ADA TRANSITION PLAN UPDATE  
CITY OF SAUSALITO

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June 5, 2009



SALLY SWANSON  
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## TRANSITION PLAN OVERVIEW

The City of Sausalito recognizes that its programs, services and activities are fundamental to the public and to the lives of its citizens. To ensure that all of its citizens and the general public have the opportunity to participate in the programs, services and activities offered by the City of Sausalito, the City is addressing the changes necessary to implement program accessibility within its facilities – buildings, parks and public rights-of-way. The City of Sausalito is dedicated to providing facilities that provide useable and functional disabled access. The City understands that while some existing facilities met the accessibility requirements at the time of construction, these facilities may not meet the current standards.

The Americans with Disabilities Act (ADA) gives civil rights protection to individuals with disabilities and guarantees equal opportunity for individuals with disabilities in employment, transportation, state and local government services, telecommunications, and in the goods and services provided by businesses. With the adoption of this updated Transition Plan, the City of Sausalito will continue a history of concern with the civil rights of people with disabilities. Continuing to respond to the rights and needs of people with disabilities recognized by the ADA, the City of Sausalito is taking the necessary steps to demonstrate its commitment to creating an inclusive civic experience for all persons.

### Purpose of the Transition Plan

*If a city with 50 or more employees decides to make physical changes to achieve program accessibility, it must develop a written plan that identifies the modifications that will be made. The plan should include timelines for completing these modifications. Interested parties, including people with disabilities and organizations representing people with disabilities, must at a minimum have an opportunity to participate in the development of the plan by submitting comments. A copy of the plan and a copy of the self-evaluation must be available for public inspection for three years after completion.\**

This Transition Plan was produced from a comprehensive survey of existing architectural barriers for individuals with disabilities. Though the ADA does not prescribe any standards for the evaluation of existing facilities, on-site assessments were made using the following new construction and alteration standards: the ADA Standards as they are appended in Title 28 of the Code of Federal Regulations, part 36 (from hereon referred to as the Americans with Disabilities Act Accessibility Guidelines or ADAAG), and the California State Accessibility Standards (from hereon referred to as the CBC). This document was subsequently updated with the inclusion of additional facilities and identifies, locates, and cites specific codes for architectural barriers in both the federal and state accessibility guidelines outlined in the ADAAG and CBC.

To summarize, the City of Sausalito's Transition Plan assesses architectural barriers on the grounds and within the buildings operated by the City, estimates the costs for their mitigation, sets priorities for their elimination, and provides a schedule for their removal.

*\*Source: The ADA Guide for Small Cities (<http://www.ada.gov/smCity.htm>)*

### Overview of the Americans with Disabilities Act (ADA)

The ADA prohibits discrimination on the basis of disability in employment, state and local governments, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. ADA has 5 titles or sections that are briefly described on the following page.

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To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

### **ADA Title I: Employment**

Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. In the City of Sausalito, Human Resources department handles all matters pertaining to ADA Title I.

### **ADA Title II: State and Local Government Activities**

Title II covers all activities of state and local governments regardless of the government entity's size or receipt of federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and City meetings). ADA Title II is the focus for this Transition Plan.

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

### **ADA Title III: Public Accommodations**

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. ADA Title III does not apply to this Transition Plan.

### **ADA Title IV: Telecommunications Relay Services**

Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. ADA Title IV does not apply to this Transition Plan.

### **ADA Title V: Miscellaneous Provisions**

Title V clarifies that both states and Congress are covered by all provisions of the ADA. It also provides for recovery of legal fees for successful proceedings pursuant to the Act and establishes a mechanism for technical assistance along with specific instructions to many federal agencies required to implement the Act. Additionally, Title V includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against the disabled or those attempting to aid people with disabilities in asserting their rights under the ADA. ADA Title V does not apply to this Transition Plan.

**A. INTRODUCTION**

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to qualified individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. A primary goal of the ADA is to ensure equal participation in public life for all Americans with disabilities. Title II of the Act covers programs, services and activities of public entities, such as the City of Sausalito.

Under Title II, a public entity may not deny the benefits of its programs, services, and/or activities to individuals with disabilities by maintaining inaccessible facilities, which house these programs, services and activities. A public entity's programs, services, and activities, when viewed in their entirety, must be made accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program; result in undue financial and administrative burdens or threaten or destroy the historic significance of a historic property.

To comply with the government standards for accessibility to City *programs, services and activities*, this Transition Plan:

- Evaluates existing policies, procedures and practices as they pertain to the City's programs, services and activities;
- Provides findings and recommendations with regard to policies, procedures and practices;
- Identifies physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Assesses the extent of architectural barriers to program accessibility in the public rights-of-way and within the buildings, parks and other facilities operated by the City;
- Describes in detail the methods that will be used to make the facilities accessible;
- Estimates costs for mitigation solutions;
- Specifies the steps necessary to achieve compliance;
- Provides a schedule for barrier removal/mitigation;
- Sets priorities for barrier elimination; and
- Indicates the official responsible for implementation of the plan.

The City should invite the public to participate in the development of the Self-Evaluation and Transition Plan and to submit comments, questions, and recommendations.

**DRAFT****B. DEVELOPMENT OF ADA TRANSITION PLAN UPDATE  
SELF-EVALUATION OF POLICIES, PROCEDURES AND PRACTICES**

In addition to identifying and modifying physical barriers, Title 28 CFR Part 35, *Non Discrimination on the Basis of Disability in State and Local Government Services*, requires that a public entity evaluate its policies, procedures and practices. The following outlines the minimum requirements for a public entity's self-evaluation:

- Evaluate its policies, procedures, and practices as they pertain to the City's programs, services and activities; and make necessary modifications to those that do not meet the programmatic requirements of Title II of the ADA
- Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments
- Maintain, file and make available for public inspection a list of interested persons consulted, a description of areas examined and any problems identified, and a description of any modifications made

The City must evaluate such policies, procedures and practices regarding communication, auxiliary aides and services, emergency response, publications, determination for undue burden, public activities, employment, and new construction of facilities, in addition to physical accessibility to City facilities.

It is also recommended that for program barrier mitigation, a detailed outline of administrative requirements and detailed requirements of needed policies be included. The policy outline would serve as a guideline upon which the City's future policies may be built.

**ACCESS COMPLIANCE ASSESSMENTS OF FACILITIES**

The transition plan is used to document the access barriers for the public rights-of-way and several City buildings and parks scheduled for infrastructure and program upgrade. The documented access barriers identify existing building conditions that deviate from current State and Federal standards for new construction. For each barrier, this Transition Plan outlines the code deviations and requirements from the ADA Accessibility Guidelines (ADAAG) as well as Title 24 of the California State Accessibility Standards (CSAS).

Additional facilities were assessed that were not included in the City's original self-assessment document completed in 1993. These facilities include:

- Marinship Park,
- Parking Lot no.1 – entrance at Anchor and Humboldt,
- Parking Lot no. 2 – entrance at Bay and Humboldt,
- Parking Lot no. 3 – entrance at Bay and Humboldt,
- Parking Lot no. 4 – entrance at Johnson and Humboldt,
- Parking Lot no. 5 – entrance at Bridgeway and Locust,
- Bridgeway Public Restroom, and
- designated pedestrian access routes in the public rights-of-way, as identified by City personnel.

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Survey

The survey of City facilities fulfills the first requirement for the Transition Plan, by identifying physical obstacles limiting the accessibility of the City's programs and activities to disabled individuals. Field assessments of City buildings and facilities were conducted in accordance with current accessibility standards – Title II of the ADA; the Americans with Disabilities Act; furthermore recommendations in the rights-of-way were also developed based on the Access Board's revised draft guidelines for Accessible Public Rights-of-Way.

### Report Production

The following information contains the minimum data SSA included in the Transition Plan-Assessment Reports:

- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans
- Area/location of the barrier; for example room name or number
- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. physical alteration, purchase, program modification, equivalent facilitation, etc.)
- Detailed description of proposed solution and, if applicable, an alternative or interim solution
- Code citations, specifying the applicable sections in the State accessibility regulations, and in the federal standards
- Severity of individual barriers (three levels: 1=severe, 2=moderate, 3=mild)
- Unit and estimated unit price
- Total estimated cost for barrier removal
- Survey information, such as surveyor name, survey date, and special site conditions

### Prioritization

The relative importance of each barrier, according to its impact upon the disabled population was taken into account when developing the prioritization criteria for barrier mitigation.

#### Overall Prioritization Criteria according to programmatic functions:

- Importance of the program function
- Frequency of Use
- Program location and relation to other programmatic functions

In the public rights-of-way (PROW), where the City has sole responsibility/authority over streets, roads and walkways, the ADA Transition Plan references the City's Street Overlay Program schedule for providing curb ramps or mitigating barriers in pedestrian sidewalks. In addition, the

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Transition Plan schedule prioritizes barrier-mitigation within pedestrian routes that serve public entities, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

Prioritization Criteria for PROW according to barrier location:

- Priority 1. Pedestrian routes wherein request(s) for barrier removal by any person with mobility and/or vision disabilities seeking full and equal access
- Priority 2. Pedestrian routes serving State and local government offices and facilities
- Priority 3. Pedestrian routes serving important transportation corridors, including pathways leadings to schools.
- Priority 4. Pedestrian routes serving commercial/business zones and other Title III entities
- Priority 5. Pedestrian routes serving residential neighborhoods and undeveloped regions.

Based on the above prioritization criteria and the facilities master priority number for each City facility, sidewalks within sections of mid-blocks and curb ramps at street intersections serving or connecting to City facilities were given a priority order.

Since persons with disabilities utilize certain buildings and facilities with greater frequency, the impact of barriers identified at these facilities was greater. Upon compilation of the survey results, appropriate City staff helped determine a prioritization criteria for key items found in the survey and obtain additional information to determine a final level of prioritization.

Prioritization Criteria for Facilities according to barrier location:

- Priority 1. Basic public access and hazardous conditions
- Priority 2. Access to program function areas.
- Priority 3. Access to public common areas that support program function areas. (Such as restrooms, drinking fountains, public telephones, etc.). Provision of visual/audible signal devices connected to the existing fire alarm system.
- Priority 4. Barriers not included in priorities 1, 2 and 3:
- Priority 5. Barriers not addressed by the ADAAG. However, they are addressed by the CSAS and are not in compliance with the CSAS and/or interpretations of regulations as set forth by the DSA.

Further detail regarding the prioritization criteria used to evaluate specific mitigation recommendations at each facility is included in the ADA Transition Plan document.

**Official(s) Responsible**

For the duration of the Transition Planning schedule, the City has designated the ADA Coordinator and the City Engineer as the officials responsible to oversee the implementation of the Transition Plan. The City Engineer has been designated responsible for the implementation of the barrier-mitigation schedule within the public rights-of-way; and also support the City's ADA Coordinator, where appropriate, in the planning, prioritization and coordination of site improvements within City facilities.

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Public Input (to be added later)

**Transition Plan Implementation**

The document should be maintained by the person designated as responsible for implementation of the Transition Plan. Indication of the official responsible for implementation of the plan fulfills the final requirement of a Transition Plan. The final product is a working document to be modified as barriers are removed or alterations are made.

The City's final document will, for at least three years following completion, be maintained on file and made available for public inspection.

This is a living document and is open to modification throughout the transition period.

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**DRAFT****FACILITY MASTER PRIORITY LIST**

Based on the data collected in the field, a facilities priority list was developed in conjunction with City staff. This helped identify facilities that are to be included in the first phase of barrier mitigation within the City's Transition Plan

The first phase of barrier mitigation within the Transition Plan tentatively includes the following City facilities:

<b>Facility Name</b>	<b>Square Ft.</b>	<b>Priority Rank</b>
Downtown Restrooms	250	1 – Phase 1
City Hall	38,133	2 – Phase 1
Bridgeway Restrooms (at Horizons)	250	3 – Phase 1
PW Office	4,398	4 – Phase 1
Restroom (Cloud View Park)	94	5 – Phase 1
Park House (Cloud View Park)	396	6 – Phase 1
MLK Bldg No. 6 (Gym/Recreation Office)	16,250	7 – Phase 1
MLK Bldg No. 7 (Archives)	12,122	8 – Phase 1
MLK Bldg No. 2	1,520	9 – Phase 1