



City of El Cerrito ADA TRANSITION PLAN

Final Report - August 2009



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ADA TRANSITION PLAN FOR THE CITY OF EL CERRITO

Table of Contents

I. Introduction

- i. Purpose of Transition Plan
- ii. Overview of the Americans with Disabilities Act (ADA)

II. Development of Transition Plan

- i. Facilities Methodology
 - Field Survey
 - Assessment
 - Prioritization
- ii. Public Rights-of-Way (PROW) Methodology
 - Field Survey
 - Assessment
 - Prioritization
- iii. Mitigation Schedule
- iv. Public Input
- v. Official Responsible and Implementation

III. Survey Report

Appendix A: Public Right-of-Way - Intersections

Survey street map

Cost Summary - All PROW

Cost Summary - By street

Cost Summary - By year of mitigation

Report Navigation and Legend

Abbreviations

Intersection Barriers by Year of Mitigation:

Fiscal Year 2006/07 - Completed

Fiscal Year 2008/09 - Completed

Fiscal Year 2009/10 - Serving Community Center

Fiscal Year 2009/10.2 - HSIP Grant

Fiscal Year 2011/12 - Serving Library & Senior Center

Fiscal Year 2012/13 - Serving Library & Senior Center

Fiscal Year 2014/15 - Serving Civic Theater & Community Center

Fiscal Year 2016/17 - Serving Harding Child Care Center

Fiscal Year 2017/18 - Serving Madera Child Care Center

Fiscal Year TBD

Appendix B: Public Right-of-Way - Mid-Blocks

Survey street map

Cost Summary - All PROW

Cost Summary - By street

Cost Summary - By year of mitigation

Report Navigation and Legend

Abbreviations

Mid-Block Barriers by Year of Mitigation:

Fiscal Year 2008/09 - Completed

Fiscal Year 2009/10 - Serving Community Center

Fiscal Year 2010/11 - Serving Community Center

Fiscal Year 2011/12 - Serving Library & Senior Center

Fiscal Year 2012/13 - Serving Library & Senior Center

Fiscal Year 2013/14 - Serving Civic Theater

Fiscal Year 2014/15 - Serving Civic Theater & Community Center

Fiscal Year 2015/16 - Serving Civic Theater

Fiscal Year 2016/17 - Serving Harding Child Care Center

Fiscal Year 2017/18 - Serving Madera Child Care Center

Fiscal Year 2018/19 - Serving Madera Child Care Center & Fire Station

Fiscal Year 2019/20 - Serving Madera Child Care Center & Fire Station

Fiscal Year TBD

Appendix C: Public Right-of-Way - Pedestrian Signals

Survey street map

Cost Summary - All PROW

Cost Summary - By street

Cost Summary - By year of mitigation

Report Navigation and Legend

Abbreviations

Pedestrian Signal Barriers by Year of Mitigation:

Fiscal Year 2009/10.2 - HSIP Grant

Fiscal Year TBD

Appendix D: Facilities

Report Navigation and Legend

Abbreviations

Cost Summary by facility

Cost Summary - By year of mitigation

Barrier location Plans

Fiscal Year 2008/09

Fiscal Year 2009/10

Fiscal Year 2010/11
Fiscal Year 2011/12
Fiscal Year 2012/13
Fiscal Year 2013/14
Fiscal Year 2014/15
Fiscal Year TBD

I. INTRODUCTION

The City of El Cerrito 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 El Cerrito, the City is addressing the changes necessary to implement program accessibility in its buildings, parks and public rights-of-way. The City of El Cerrito is dedicated to providing buildings and 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 El Cerrito 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 El Cerrito is taking the necessary steps to demonstrate its commitment to creating an inclusive civic experience for all persons.

i. 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 the grounds and buildings owned by the City and major pedestrian routes to public facilities, transportation nodes, and commercial districts within the public rights-of-way to identify existing physical 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, CSAS) as they are contained in the current California Building Code. This document 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 El Cerrito's Transition Plan assesses physical barriers on the external site and internal area of City facilities and major pedestrian routes within the public rights-of-way, estimates the costs for their mitigation, sets priorities for their elimination, and provides a schedule for their removal. The City of El Cerrito adopted an ADA Transition Plan for City-Owned Facilities in 1993. This is an update to the 1993 Plan. The update also considers the proposed settlement of a class action lawsuit pertaining to accessibility within the public rights-of-way filed in 2007 against 14 cities in Contra Costa County, including the City of El Cerrito (known as *Vaughn v. City of Antioch, et. al., Contra Costa County Superior Case No. C07-00045*).

ii. 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.

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 El Cerrito, 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.

II. DEVELOPMENT OF ADA TRANSITION PLAN

The ADA Transition Plan documents the access barriers for the exterior site and interior areas of several City buildings, parks, as well as, major pedestrian routes to public facilities, transportation nodes, and commercial districts within the public rights-of-way. The documented access barriers indicate that existing conditions of these City facilities deviate from current State and Federal accessibility standards for new construction. For each identified barrier, the ADA Transition Plan cites the code sections and requirements from the ADA Accessibility Guidelines (ADAAG) as well as Title 24 of the California State Accessibility Standards (CSAS). To comply with the standards for accessibility to City programs, services and activities, the City's ADA Transition Plan provides the following information:

- Identifies physical barriers in the City's facilities – buildings, parks, and public rights-of-way (PROW), which includes mid-block sections of sidewalks, intersections and pedestrian signals, that limit the accessibility of its programs, services or activities to individuals with disabilities;
- Assesses the extent of physical barriers to the accessibility of programs, services and activities within these facilities and rights-of-way within the City's jurisdiction;
- Describes the proposed methods to mitigate these identified barriers;
- Estimates preliminary costs for their correction;
- Sets priorities for barrier elimination, specifies the schedule for taking the steps necessary to achieve compliance with the ADA by providing a mitigation schedule; and
- Indicates the official responsible for implementation of the plan.

i. Facilities Methodology

Field Survey

Work toward developing the ADA Transition Plan began by completing a detailed survey of identified City buildings and parks in 2005 through 2006. The survey fulfills the first requirement for the ADA Transition Plan by identifying physical obstacles limiting the accessibility to the City's programs, services, and activities for individuals with disabilities. The facilities assessment was conducted in accordance with the ADAAG and the CSAS and included the following facilities:

BUILDING / FACILITY NUMBER & NAME
1. City Hall (temporary housing)
2. Public Safety Building
3. Community Center
4. Library
5. Senior Center
6. Fire Station #72
7. Civic Theater
8. Recycling Center
9. Corporation Yard
10. Cerrito Vista Park
11. Arlington Park
12. Poinsett Park

BUILDING / FACILITY NUMBER & NAME
13. Huber Park
14. Fairmont Park
15. Harding Childcare Center
16. Madera Childcare Center
17. Castro Park
18. Casa Cerrito Childcare Center
19. Canyon Trail Park
20. Tassajara Park

Assessment

A wide variety of information was collected for the assessment. The following information for each barrier is reported in Appendix D - Facilities:

- Facility Number
- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans
- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. alteration, 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, the Division of the State Architect (DSA) policy number, and in the federal standards (ADAAG)
- Severity of individual barriers (Three levels: 1=Severe, 2=Moderate, 3=Minor)
- Unit and estimated unit price
- Total estimated cost for barrier removal

The City also provided some base maps/plans to help develop barrier location plans identifying the location of individual barriers as provided in Appendix D.

Prioritization

Recognizing that the City has limited funds and cannot immediately make all facilities fully accessible, facilities and barriers within facilities had to be prioritized. First, all facilities were listed and ranked according to program functions as follows.

Facility Prioritization:

- Importance of the program function - the numbers and types of programs, and programs unique to a facility that cannot occur at another facility
- Frequency of Use - facilities that receive a high level of public use and/or facilities of high use by members of the public with disabilities
- Program location and relation to other program functions - facilities distributed throughout the City in order to ensure maximum access for all

The following is the resulting prioritization:

FACILITY PRIORITY	
1	Community Center
2	Public Safety Building
3	Senior Center
4	Library
5	Civic Theater
6	Harding Childcare Center
7	Madera Childcare Center
8	Fire Station 72
9	Casa Cerrito Childcare Center
10	Arlington Park
11	Cerrito Vista Park
12	Canyon Trail Park
13	Tassajara Park
14	Castro Park
15	Fairmont Park
16	Huber Park
17	Poinsett Park
18	Corporation Yard
19	Recycling Center
20	City Hall (Temporary Housing)

Since persons with disabilities utilize certain buildings and facilities with greater frequency, such as community centers, the impact of barriers identified at these facilities was greater. Upon compilation of the survey results, 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 of barrier locations.

Prioritization Criteria for Facilities according to barrier location:

Priority 1. Basic public access and hazardous conditions:

- a. Accessible route from exterior site arrival points within the boundary of the property to an accessible building entrance of the program location. (An exterior accessible route may include walks, accessible parking spaces, curb ramps, ramps, lifts, crosswalks at vehicular ways, passenger loading zones, etc.)
 - b. Accessible route from the accessible program building entrance to “first contact points” such as information counters within the facility. (An accessible route may include corridors, ramps, elevators, lifts and clear floor spaces, etc.).
 - c. Removal of overhead obstructions, protruding objects, adjustment of doors with excessive opening force and the provision of automatic or power- assisted doors at designated public “primary” entrance of each building.
- Basic public access to the property boundaries from public transportation systems (e.g., bus stops, etc.).

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.

ii. PROW Methodology

Field Survey

For the PROW portion of the ADA Transition Plan, City staff identified major pedestrian routes as designated in the El Cerrito Circulation Plan for Bicyclists and Pedestrians, plus additional primarily school routes, for inclusion in the initial phase of the ADA Transition Plan. These selected routes were then surveyed by the City in 2005 through 2006. The data collected was integrated into non-compliance reports included as appendices to the final ADA Transition Plan. The following streets were surveyed:

STREET
Arlington Boulevard
Ashbury Avenue
Barrett Avenue
Carlson Boulevard
Central Avenue
Colusa Avenue
Cutting Boulevard
Eastshore Boulevard
Elm Street
Fairmount Avenue
Key Boulevard
Manila Avenue
Moeser Lane
Navellier Street
Ohlone Greenway
Potrero Avenue
Richmond Street
San Pablo Avenue
Stockton Avenue/Terrace Drive

Assessment

The following information for each barrier was incorporated in Appendices A, B and C – PROW, Intersections, Mid-Blocks and Pedestrian Signals, respectively:

- Street number corresponding to El Cerrito street section ID number
- Starting street or cross street, where survey of mid-block starts, or cross street for intersection

- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. alteration, 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, the Division of the State Architect (DSA) policy number, and in the federal standards
- Severity of individual barriers (Four levels: 1=Inaccessible, 2=Extreme barrier, 3=Moderate barrier, and 4=Minor Barrier)
- Unit and estimated unit price
- Total estimated cost for barrier removal

Prioritization

Recognizing that the City has limited funds and cannot immediately make all pedestrian routes in the PROW fully accessible, streets and barriers along these streets had to be prioritized. The City anticipates upgrading curb ramps in coordination with capital improvement projects and more specifically the City's Street Overlay Program schedule for providing curb ramps or mitigating barriers in pedestrian routes. In addition, the 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 as indicated below.

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 facilities containing employers
- Priority 6. Pedestrian routes serving residential neighborhoods and undeveloped regions

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

iii. Mitigation Schedule

The schedules for removal of the most severe physical barriers within the next seven to ten years are provided below. The first list includes City facilities, including building and parks, based on the prioritization described above. Among the selected facilities to be completed in the first three years are the Community Center, Public Safety Building and Senior Center. The City reserves the right to change the barrier removal priorities in order to allow flexibility in accommodating requests for reasonable modifications from persons with disabilities, requests from the public, changes in City programs, and funding constraints and opportunities.

Facilities Schedule

No.	Facility	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
2	Public Safety Building		10,520	12,485				
3	Community Center	31,520	27,365					
4	Library					21,304	31,148	15,400
5	Senior Center			22,299	4,896			
6	Fire Station 72					-		9,105
7	Civic Theater				26,805	11,125		
15	Harding Childcare Center						6,250	12,192
Totals		31,520	37,885	34,784	31,701	32,429	37,398	36,697

PROW Schedule

Street	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
	Community Center	Library/Senior Center	Library/Senior Center	Civic Theater	Harding	Madera Childcare				
Arlington									\$34,143	\$34,488
Ashbury	\$12,000						\$26,274	\$32,447		
Moeser	\$25,793	\$40,488			\$30,680	\$22,700				
Stockton			\$33,600	\$37,916						
Totals	\$37,793	\$40,488	\$33,600	\$37,916	\$30,680	\$22,700	\$26,274	\$32,447	\$34,143	\$34,488

iv. Public Input

A public workshop was held on June 18, 2009 to review the Draft Transition Plan with the public, and obtain comments. The workshop was held between 4:30 PM to 6:30 PM at the fully-accessible City Hall Council Chambers, 10890 San Pablo Avenue. The public was invited to drop-in at anytime during our two-hour workshop, and a brief presentation was provided at 4:45 PM. The City's efforts to inform the public about the workshop included the following:

- Submitting a workshop notice to the West County Times Calendar, Albany-El Cerrito-Kensington Journal Calendar and El Cerrito Wire on May 28, 2009, which appeared as provided below-
 - The Journal, Community Calendar, June 5 and June 12, 2009
 - El Cerrito Wire, June 13 through June 18, 2009
- Posting notices at the City Library, Senior Center, Community Center, and City Hall
- Distributing notices to the Albany/El Cerrito Access, Orientation Center for the Blind, Contra Costa County Independent Living Resource Center, senior centers and residential developments in the City, and other individuals and organizations that have expressed interest on accessibility issues in our community as well as nearby communities.

On June 8, 2009, an electronic copy of the Draft Transition Plan was made available for review at www.el-cerrito.org and a paper copy at City Hall, 10890 San Pablo Avenue. Those unable to attend the workshop were encouraged to submit written comments.

Comments received are as follows:

- The City should pursue removal of obstruction of sidewalks caused by overgrown vegetation on private property.
- The City should coordinate with Richmond and Albany to address cross-jurisdictional barriers along pedestrian routes. For example, Central Avenue, a key pedestrian route for El Cerrito and Richmond, does not have any curb ramps at Pierce Street in the City of Richmond.
- Street drainage at curb ramps is a common problem that should be addressed.
- Four curb ramps are needed near a convalescent hospital at Carlson Boulevard and San Diego Street. There are none at the intersection, and there is a large convalescent hospital there that contains many wheelchair-bound residents.
- Large sections of Ashbury Avenue are inaccessible and should receive a high priority for removal of barriers including
 - Mid-block barriers between Waldo Avenue and Stockton Avenue
 - Curb ramps at Albemarle Street
 - Curb ramps at C Street
- The Senior Center serves a large group of persons with disabilities and should receive a high priority for removal of barriers in relation to the Community Center and Public Safety Building
- Large sections of Arlington are inaccessible and should receive a high priority for removal of barriers including
 - Sidewalks to schools and parks
 - Access to transit stops at Madera Drive
- Accessible doors to public facilities, specifically the Public Safety Building, should receive a high priority
- The Transition Plan should be coordinated with the adopted El Cerrito Circulation Plan for Bicyclists and Pedestrians, and priority should be given to providing long segments of accessible pedestrian routes to key destinations in the City
- A curb ramp is needed at the southeast corner of intersection of Potrero Avenue/S. 56th Street to provide for a long section of accessible route along Potrero Avenue.

The comments will be considered during the implementation of the Transition Plan as noted below.

v. Official(s) Responsible and Implementation

For the duration of the Transition Planning schedule, the City has designated the City Engineer/ Public Works Director as the official responsible to oversee the implementation of the Transition Plan. The City Engineer/ Public Works Director will establish an ADA Advisory Group to provide advice and guidance in the planning, prioritization and coordination of accessibility-related improvement projects in the public rights-of-way and, where appropriate, within City facilities. The ADA Advisory Group will meet at least four times annually. More specifically, the ADA Advisory Group will guide the prioritization of the following projects:

- Installing curb ramps compliant with state and/or federal law;
- Providing accessible crosswalks, including developing and maintaining policies for audible pedestrian signals, providing accessible pedestrian controls, and removing abrupt changes in level affecting the path of travel;
- Removing obstacles in the pedestrian rights of way that narrow the pathway to less than 32 inches;
- Removing abrupt changes in level caused by tree roots or deterioration along pedestrian rights of way;
- Removing or providing detectable warnings for overhanging obstacles not detectable by blind pedestrians using a cane;
- Removing excessive cross slopes in the pedestrian rights of way that are perpendicular to the primary direction of travel.

This document will also be maintained by the City Engineer/ Public Works Director, and will be modified as barriers are removed or alterations are made. Following adoption of the Final Transition Plan by City Council, a copy will be made available for public inspection at the City Library (6510 Stockton Avenue) and City Hall (10890 San Pablo Avenue) for at least three years.