
R-23-88
Meeting 23-18
September 28, 2023

AGENDA ITEM #1

To: Board of Directors
Open Space Authority

From: Andrea Mackenzie
General Manager

SUBJECT

Review and Consider Adoption of the Americans with Disabilities Act Self-Evaluation and Transition Plan for the Open Space Authority

REVENUE/COST

There is no cost associated with adoption of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (Plan).

The estimated cost of implementing the entirety of recommendations included in the Plan is estimated at approximately \$2.7 million. However, implementation of individual recommendations will be evaluated on a case-by-case basis over time as part of the annual evaluation process identified in the Plan. Recommendations range from low/no cost programmatic changes and minor facilities upgrades to mid-sized capital projects (as described in the Plan). Staff will provide annual updates to the Board of Directors (Board) regarding implementation progress and associated costs, as well as recommend project funding (if required) as part of the Santa Clara Valley Open Space Authority's (Authority's) annual budgeting process.

BACKGROUND

In Fiscal Year 2020/2021 the Board approved project funding to evaluate the Authority's compliance with regulations pursuant to ADA Title II and Section 504 and develop a Plan documenting findings, costs, and processes for addressing recommendations. In addition to complying with Federal and State law, the Authority is fully committed to accessibility across the agency, in keeping with our values toward Justice, Equity, Diversity, Inclusion, and Access (JEDIA). The development and implementation of the Plan aligns with these JEDIA values in connecting people to nature.

In May 2022, the Authority entered into a contract with Sally Swanson Architects (SSA) to develop the Plan. During winter 2022-2023, Authority Staff from all departments were invited to complete a Self-Evaluation Questionnaire about the policies, practices, and procedures that would have implications for the accessibility of programs, services, and activities delivered by the Authority. Additionally, SSA conducted Physical Assessments of the following facilities: Administrative Office at 33 Las Colinas Lane, Coyote Valley Open Space Preserve, Rancho Cañada del Oro Open Space Preserve, Sierra Vista Open Space Preserve, and the Tilton Ranch Complex. During these assessments, inspectors reviewed and documented conformance of said facilities with current federal and state accessible building codes. Together the "Self-Evaluation Questionnaire" and "Physical Assessments" were used to inform a Draft Plan, which was released to the public in July 2023.

Public outreach for the Plan has included a variety of venues. On July 28, 2022, Authority Staff provided an overview of the ADA Self-Evaluation and Transition Plan process to the Use and Management

Committee. On March 27, 2023, Staff engaged the Citizens' Advisory Committee to provide an update on the planning process and to seek feedback on the Implementation Criteria that would be considered in the development of the implementation schedule for physical barrier removal. Staff presented the Draft Plan to the Silicon Valley Independent Living Center's Access and Functional Needs Work Group on July 27, 2023. Additional project outreach included attending the San Andreas Regional Center's Superhero Summer Festival event on July 29, 2023, and emails to local accessibility advocates, including the County of Santa Clara's Office of Disability Affairs and City of San José's Officer of Disability Affairs. A summary of community engagement is found in Section 1 of the Plan.

The public feedback, recommendations, and implementation schedule in the Plan will guide the Authority in efforts to create more inclusive places and ways for the public to engage with the Authority's programs and facilities.

DISCUSSION

The Plan is comprised of three sections:

- Section 1. Introduction
- Section 2. Self-Evaluation of Policies, Procedures, and Practices
- Section 3. Transition Plan for Physical Barriers

Section 1 establishes within the Authority an Official Responsible for overseeing implementation of the Plan and an ADA Coordinator for responding to grievances and access requests and for ensuring compliance with Federal and State laws. The Official Responsible will have the budgetary authority to ensure implementation of the Plan. The Official Responsible may also identify undue financial burden or hardship associated with individual barrier removal projects. The ADA Coordinator will be responsible for coordinating the Authority's efforts to comply with Federal and State laws for program and physical accessibility requirements. The Authority has identified the Assistant General Manager of Administrative and Field Operations to serve in the roles of Official Responsible and ADA Coordinator. The Plan also directs the Authority to develop a Grievance Procedure and Notice of Compliance under ADA and California State Law.

Section 2 comprises the Self-Evaluation portion of the Plan. This section summarizes the recommendations to improve the accessibility of the Authority's programs, services, activities, and communications. The Authority's policies, procedures, and practices across the following topics were evaluated:

- Print Communications
- Communication with People Who are Deaf or Hard of Hearing
- Software and Digital Communication
- Staff and Employees
- Purchasing, Contracts, and Vendors
- Construction and Remodels
- Facilities and Real Estate Management
- Planning, Construction, and Buildings
- Fleet Services
- Public Meetings
- Emergency Procedures
- Records
- Capital Projects

- General Purchases
- General
- Requested Trainings

Section 3 comprises the Transition Plan portion of the Plan. and provides an overview of the access compliance regulations that apply to the Authority's facilities which were evaluated as part of this planning process and a schedule for the evaluation of barrier removal projects by facility over the next 15 years. This timeline is based on the following Implementation Criteria:

- **Safety:** Prioritize barrier removals that address safety for visitors with disabilities.
- **Geographic distribution:** Prioritize barrier removals that widely distribute the availability of accessible programs and facilities throughout the Authority's jurisdiction.
- **Usage levels:** Prioritize barrier removals at facilities that receive high levels of visitor use and other sites of high public interest.
- **Public feedback and requests:** Prioritize barrier removals at facilities that have been identified of interest by the public.
- **Project readiness:** Consider cost, ease of implementation, and general project readiness for barrier removals. Prioritize barrier removals that leverage existing capital improvement or maintenance projects to make efficient, cost-effective use of the resources available for barrier removals. Consider clusters of improvements to ensure more accessible spaces overall. Also consider whether these are staff-level maintenance projects or whether they require a design or engineering consultant.

Progress toward the improvement of the Authority's programs, services, and activities, as identified in the Self-Evaluation, and in the removal of physical barriers at Authority facilities, as identified in the Transition Plan, will be tracked over time and reported to the Board of Directors on an annual basis.

The ADA Self-Evaluation and Transition Plan is exempt from CEQA pursuant to Public Resources Code Section 21082.2(c) and CEQA Guidelines sections 15061(b)(3) and 15301. Each action in the Plan would not have a significant impact on the environment within the meaning of Section 15061(b)(3), or they fall within the Existing Facilities exemption under CEQA Guidelines Section 15301 for operation, maintenance, or minor alteration of existing structures, facilities, and equipment.

RECOMMENDATION

Staff recommends that the Board adopt the ADA Self-Evaluation and Transition Plan.

Prepared by:

Jennifer Hooper, Associate Open Space Planner

Attachment(s): Resolution 23-53 – A Resolution of the Governing Board of the Santa Clara Valley Open Space Authority Adopting the Americans with Disabilities Act Self-Evaluation and Transition Plan

Exhibit C – ADA Self Evaluation and Transition Plan

Exhibit D – Appendix A Community Engagement

Exhibit E – Appendix B The Americans with Disabilities Act Self-Evaluation Report for Santa Clara Valley Open Space Authority

Exhibit F – Appendix C Facilities Survey Report