



Midpeninsula Regional  
Open Space District

R-18-20  
Meeting 18-09  
February 28, 2018

## AGENDA ITEM 6

### AGENDA ITEM

Americans with Disabilities Act Self-Evaluation and Transition Plan Update

### ACTING GENERAL MANAGER'S RECOMMENDATION *leib*

Receive a presentation and provide input on the District-wide American's with Disabilities Act Self-Evaluation and Transition Plan Update. No Board action required.

### SUMMARY

This report provides an overview of the American's with Disabilities Act (ADA) Self-Evaluation and Transition Plan update process; reviews the recommended accessibility guidelines for preserves elements and features, such as trails, that are not governed by building code; and offers the Board of Directors (Board) and public an opportunity to share information, ask questions, and give feedback on this project. At its August 9, 2017 meeting, the Board approved a contract for MIG to provide professional consultant services for a District-wide ADA Self-Evaluation and Transition Plan Update (R-17-99). MIG has initiated the early phases of work by evaluating District programs, policies, preserves, and facilities. The District completed the original Self-Evaluation and Transition Plan in 1993 based on the 1991 Standards for Accessible Design. While the obligation for Programmatic Access today remains unchanged, the technical design standards have evolved and expanded to include more information on outdoor recreation and site conditions.

The District is committed to meeting its obligations under the ADA and developing access to open space, recreational facilities, and public programs for people of all abilities. As a local public agency, the District is subject to the provisions of Title II of the ADA, which prohibits discrimination in the provision of programs, activities, and services offered to the public. Title II requires public agencies to prepare a self-evaluation of compliance, develop a grievance procedure, designate an individual to oversee compliance, and develop a transition plan if structural changes are necessary to achieve program accessibility.

### DISCUSSION

The Board adopted the District's Access Plan for Persons with Disabilities ("1993 Accessibility Plan") on January 13, 1993 (R-93-08). The 1993 Accessibility Plan includes an assessment of the District's developed Preserve features and programs, a prioritized list of recommended access improvements, and the designation of the Planning Manager as the ADA Coordinator. The District completed the recommended access improvements and embedded the public

communication measures within the volunteer and docent programs by the January 26, 1995 deadline.

Since adoption of the 1993 Accessibility Plan, ADA regulations and accessibility guidelines have changed. In 2010, the Department of Justice updated the technical standards and published the *2010 ADA Standards for Accessible Design*, introducing a number of recreation elements not previously included in the building code. The US Access Board released the Draft Guidelines for Outdoor Developed Areas in 2007 and these standards were formally adopted into the 2013 Architectural Barriers Act (ABA) Standards, which are currently binding only to federal agencies. These standards provide the basis for California State Parks Accessibility Guidelines and are presumed to eventually become a part of the ADA Standards that the District will need to follow. The California Building Code (CBC) is updated every three years, with the most current update in 2016. The CBC includes requirements for accessible outdoor developed areas without specifying technical standards. The CBC includes advisory language referencing the California State Parks Accessibility Guidelines and ABA Standards for Outdoor Developed Areas.

Since 1993, the District has acquired new lands, added new recreational facilities, expanded its programs and activities, enhanced its services, and increased the total number of employees and volunteers. For example, the District has grown its land holdings by 28,000 acres, more than doubled in total staff, and expanded its active pool of volunteers to over 600 to provide the public with additional interpretive and educational programs and land stewardship opportunities.

In August 2017, the District's consultant, MIG, commenced the District-wide ADA Self-Evaluation and Transition Plan Update. This work will help guide and prioritize the removal of barriers throughout District lands. To date, MIG has accomplished the following tasks:

- *Evaluation of District programs and policies to identify barriers to services, programs and activities.* MIG is reviewing District programs, policies, and plans for compliance with access regulations and codes. District staff completed a program evaluation questionnaire as part of this process. Results will be summarized in the updated Self-Evaluation and Transition Plan.
- *Evaluation of District preserves and facilities according to current federal and state standards for accessibility.* MIG is assessing District preserves and facilities for compliance with access regulations and codes, including the CBC, the 2010 ADA Standards for Accessible Design, and the Accessibility Guidelines for Outdoor Developed Areas. Results will provide data on barriers to access and noncompliant items, as well as cost estimates for each recommended upgrade. This data will be incorporated into the updated Self-Evaluation and Transition Plan.
- *Assist with development of a public information portal for the project on the District website.* MIG has provided information to include in the project webpage, located at <https://www.openspace.org/ADAPlanUpdate>. This webpage serves as an information portal for the update process, and shows the project background, timeline, and contacts.

As part of the Self-Evaluation and Transition Plan Update process, entities such as the District are encouraged to involve individuals with disabilities from our local communities. This public outreach process will promote access solutions that are reasonable and effective. District staff and the consultant have contacted community organizations that support and advocate for persons with disabilities, and have added representatives to the project notification list. Information about this project was published in our February e-newsletter, and additional information will be published in the District's Open Space Views newsletter for March. Public

outreach also includes the information and updates provided on the project webpage, public presentations, Board study sessions, and District staff trainings. Later this fall, MIG will present the draft ADA Self-Evaluation and Transition Plan and solicit comments from the Board, the San Mateo County Commission on Disabilities, and the Santa Clara County Commission for Persons with Disabilities. Interested parties will be notified of each opportunity to provide input. MIG will also provide trainings about accessible facilities and customer service for District staff, docents and volunteers.

**FISCAL IMPACT**

The Fiscal Year (FY) 2017-18 budget includes \$182,000 for the District-wide Self-Evaluation and Transition Plan Update project (Project #31401), which is sufficient for the work anticipated to be complete by the end of the fiscal year.

<b>MIG Contract</b>	<b>FY2017-18</b>
<b>Project #31401 Budget</b>	<b>\$182,000.00</b>
Spent-to-Date (as of 01/26/18)	\$11,553.73
Encumbrances	\$170,326.47
<b>Budget Remaining (Proposed):</b>	<b>\$119.80</b>

The project is not funded by Measure AA.

**BOARD COMMITTEE REVIEW**

The full Board previously discussed the project on August 9, 2017, and expressed interest in receiving additional information. A future study session and update is anticipated for late summer 2018.

**PUBLIC NOTICE**

Public notice was provided pursuant to the Brown Act.

**CEQA COMPLIANCE**

This item is not a project subject to the California Environmental Quality Act (CEQA). Any necessary environmental review required by CEQA will be conducted as specific site improvements or future Capital Improvement Programs are implemented over time.

**NEXT STEPS**

District staff and the consultant will incorporate Board comments into the project and continue evaluating District policy documents and facilities. A future study session and update on this project is anticipated for late summer 2018.

Attachments:

1. Public correspondence and staff responses

Responsible Department Head:

Jane Mark, AICP, Planning Manager

Prepared by:

Whitney Berry, Planner II

Gretchen Lausten, Planner III

**Whitney Berry**

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**From:** Midpen <no-reply@wufoo.com>  
**Sent:** Wednesday, January 31, 2018 11:14 AM  
**To:** ADA Plan Update  
**Cc:** web  
**Subject:** ADA Plan Project Feedback [#6]

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Tell us what you think is working well, and how we can improve accessibility in Midpen Preserves. Will there be a way to participate remotely for the Feb 28 meeting?

Name Bonnie Lewkowicz

Email \* [bonnie@borp.org](mailto:bonnie@borp.org)

Would you like to be added to our ADA Plan e-mail list? Yes

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## **Whitney Berry**

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**From:** Whitney Berry  
**Sent:** Thursday, February 15, 2018 1:58 PM  
**To:**  
**Cc:** 'adacoordinator@openspace.org'  
**Subject:** RE: ADA Plan Project Feedback

Dear Ms Lewkowicz,

Thank you for your interest in accessibility at Midpen, and the update of our ADA Self-Evaluation and Transition Plan! You've been added to the mailing list for this project.

Unfortunately, we do not currently have a way for the community to participate remotely in our public meetings. Please feel free to submit comments ahead of the meeting, and we can provide a recording of the meeting afterward, if you would like.

Please let us know if you have any additional questions we can help you with. Thank you again for contacting the District and enjoying the open space preserves!

Best,  
Whitney

**Whitney Berry**, Planner II

Midpeninsula Regional Open Space District  
330 Distel Circle, Los Altos, CA 94022  
P: (650) 691-1200 - F: (650) 691-0485  
[www.openspace.org](http://www.openspace.org) | twitter: [@mrostd](https://twitter.com/mrostd)

**Whitney Berry**

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**From:** Midpen <no-reply@wufoo.com>  
**Sent:** Thursday, February 15, 2018 11:31 AM  
**To:** ADA Plan Update  
**Cc:** web  
**Subject:** ADA Plan Project Feedback [#7]

**Tell us what you think is working well, and how we can improve accessibility in Midpen Preserves.**

Rancho San Antonio could use an ADA picnic table and easy access to it. From my previous experience, it's a bumpy ride to a picnic table using a manual wheelchair. The Deer Meadow Trail is wheelchair accessible also.

I plan on going to Pulgas Ridge Open Space Preserve soon and will be doing an accessibility assessment, review, and video for my blog. Will let you know if I find any wheelchair access issues.

**Name** Mark Hehir

**Email \*** [irishsea9@gmail.com](mailto:irishsea9@gmail.com)

**Would you like to be added to our ADA Plan e-mail list?** Yes

Staff is preparing a response to Mr. Hehir.

**Whitney Berry**

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**From:** Elizabeth Twaddell <etwaddell@gmail.com>  
**Sent:** Friday, February 16, 2018 11:29 AM  
**To:** Whitney Berry  
**Cc:** Jane Mark; General Information  
**Subject:** Re: : Accessibility of MidPen

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi,

My major comment is that I would appreciate accessible trails that are longer.

While I use a wheelchair, I am in good shape and enjoy going on longer “walks.” I am certain that parents with strollers, elderly people and less skilled bikers would also appreciate longer accessible trails.

Right now, the only one that I use regularly is at Rancho San Antonio.

We live across from the start of the Overlook trail. It is too rutted for me to use after the hill starts climbing. I understand that that trail gets little use so it may not be a good investment to improve that trail.

But, it would be wonderful to have more options. Rancho San Antonio is extremely crowded on the weekends. Those crowds speak to the need for more trails like the one there.

Thanks,

Elizabeth Twaddell

## Whitney Berry

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**From:** Whitney Berry  
**Sent:** Thursday, February 15, 2018 1:53 PM  
**To:**  
**Cc:** Jane Mark ; General Information  
**Subject:** Re: : Accessibility of MidPen

Dear Ms Twaddell,

Thank you for your interest in accessibility at Midpen. We are in the process of updating our ADA Transition Plan, and welcome your feedback about your experience of accessibility at the District. We want to hear your thoughts about what is working well, and how can we improve accessibility. Please send your feedback by email to: [ADAPlanUpdate@openspace.org](mailto:ADAPlanUpdate@openspace.org)

In addition, you can learn more about the overall project on our website: <https://www.openspace.org/ADAPlanUpdate> Here you can review the project timeline and FAQ, and sign up to receive email updates about this project.

Please let us know if you have any additional questions we can help you with. Thank you again for contacting the District and enjoying the open space preserves!

Sincerely,

Jane Mark, AICP  
Planning Manager  
ADA Coordinator  
[adacoordinator@openspace.org](mailto:adacoordinator@openspace.org)  
650-691-1200

From: Elizabeth Twaddell  
Sent: Sunday, January 28, 2018 4:20 PM  
To: Steve Abbors  
Subject: Accessibility of MidPen

Hi,

I was looking through your website this weekend. It was so beautiful today that my husband and I wanted to go out for a nature walk. When I was researching the accessibility, I saw that you are in the process of evaluating it. Would be happy to help in any way. Always looking for ways to make this area more wheelchair-friendly!

Hope you are well!

Elizabeth Twaddell