



Sunnyvale

ADA Self-Evaluation & Transition Plan

Executive Summary

Updated 2022

City of Sunnyvale

SSA Project # 15089.00



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A. INTRODUCTION: DEVELOPMENT OF ADA SELF-EVALUATION & TRANSITION PLAN

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 those provided by the City of Sunnyvale.

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. The City'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. The U.S. Congress intended the "undue burden" standard in Title II to be significantly higher than the "readily achievable" standard in Title III. Thus, although Title II may not require removal of barriers in some cases where removal would be required under Title III, the program access requirement of Title II should enable individuals with disabilities to participate in and benefit from the programs, services or activities of Cities in all but the most unusual cases.

Recognizing the need to have an ADA Self-Evaluation & Transition Plan, the City of Sunnyvale retained Sally Swanson Architects, Inc. in 2016 to develop the City's documents. The project included a review of all documents provided by the City, a comprehensive Self-Evaluation of policies, procedures and practices based on questionnaires tailored for each of the City departments as well as interviews with each department's key staff. Another major component of this effort was developing the ADA Transition Plan. This effort included a detailed assessment of all City owned and leased facilities, as well as the Public Rights-of-Way (PROW), for existing physical accessibility barriers which were integrated into the ADA Transition Plan.

To fully comply with the Title II requirements for accessibility to City programs, services and activities, this Self-Evaluation & 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;
- Assesses the extent of physical barriers to program accessibility for City owned and leased facilities as well as in the PROW operated by the City;
- Specifies the mitigation steps necessary to achieve compliance;
- Estimates costs for mitigation steps;
- Provides a schedule for barrier removal/mitigation;
- Sets priorities for barrier elimination; and
- Indicates the official(s) responsible for implementation of the Transition Plan.

B. OVERVIEW: 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. While there is overlap between the requirements of an ADA Self-Evaluation and an ADA Transition Plan, a Self-Evaluation is best described as an evaluation and plan to achieve compliance with the non-physical aspects of a public entity's infrastructure for ADA compliance. An ADA Transition Plan is then best described as an evaluation and plan to achieve compliance with the physical barriers identified within a public entity for ADA compliance.

The following outlines the City's Self-Evaluation:

- Evaluate City policies, procedures, and practices as they pertain to its programs, services and activities; and make the necessary modifications to those policies and practices 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

It is recommended that the City periodically evaluate such policies, procedures and practices pertaining to 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.

SEE ADA Self-Evaluation of Policies, Procedures, and Practices

C. OVERVIEW: ACCESS COMPLIANCE ASSESSMENT OF CITY FACILITIES

The ADA Transition Plan is used to document physical accessibility barriers to the City’s programs, services, and activities and to outline a schedule / plan (or the basis to produce one) for which the City shall follow to transition from a state of noncompliance to compliance.

The access compliance assessments of City facilities fulfill a portion of the first two requirements of an ADA Transition Plan by identifying existing building conditions that deviate from current State and Federal standards for new construction and providing detailed description of proposed solutions for barrier mitigation. For each barrier, the assessments outline the code deviations and requirements from the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Accessibility Standards in the California Building Standards Code (CBC).

The access compliance assessments of City facilities cover approximately 52 owned and leased facilities maintained by the City in 2017. The assessments identified approximately 4,137 different accessibility related barriers within the City facilities and that the financial cost to mitigate all barriers identified in the assessments to be approximately \$5.4 million.

Number of Facilities Assessed	Number of Accessibility Barriers	Total Cost Estimated (\$)
52	4137	\$5,364,027

The City facilities that were assessed are shown in the table below:

Facility #	Type	Facility Name	Address
101	Facility	City Hall South Annex	603 All America Way
102	Facility	City Hall Annex (Finance)	650 W. Olive Avenue
103	Facility	City Hall Annex Basement	650 W. Olive Avenue
104	Facility	City Hall East Wing	456 W. Olive Avenue
105	Facility	City Hall Fuel Building	456 W. Olive Avenue
106	Facility	City Hall West Wing	456 W. Olive Avenue
108	Facility	Multipurpose Building	550 E Remington Drive
110	Facility	Community Center Heritage Museum	550 E Remington Drive
115	Facility	Corp Yard Sign Shop	211 Commercial Street
116	Facility	Corp Yard Trailer	211 Commercial Street
117	Facility	Corp Yard Warehouse	211 Commercial Street
118	Facility	Corporation Yard - Other	221 Commercial Street
119	Facility	Corporation Yard Admin Building	211 Commercial Street
121	Facility	Corporation Yard Fleet Maintenance	211 Commercial Street
123	Facility	Corporation Yard Stores Building	211 Commercial Street
125	Facility	Fire Station # 1	171 N. Mathilda Ave at W. California Ave
126	Facility	Fire Station # 2	795 E. Arques Avenue at N. Wolfe Road
127	Facility	Fire Station # 3	910 Ticonderoga Drive at S. Mary Avenue
128	Facility	Fire Station # 4	996 Wolfe Road at Maria Lane
130	Facility	Fire Station # 6	1282 Lawrence Station Road at Elko Drive
132	Facility	Library	665 W. Olive Avenue
133	Facility	Multi-Modal	121 W. Evelyn
135	Facility	Public Safety Building	700 All America Way
137	Facility	Community Center Senior Center	550 E. Remington Drive
138	Facility	SMaRT Station Main Building	301 Carl Road
139	Facility	SMaRT Station Offices	301 Carl Road
140	Facility	SOC 100 Building (aka rabbit hutches)	505 W. Olive Avenue
141	Facility	SOC 200 Building	505 W. Olive Avenue
142	Facility	SOC 300 Building	505 W. Olive Avenue
143	Facility	SOC 400 Building	505 W. Olive Avenue
144	Facility	SOC 500 Building	505 W. Olive Avenue
145	Facility	SOC 600 Building	505 W. Olive Avenue
146	Facility	SOC 700 Building	505 W. Olive Avenue
201	Park	Baylands Park	999 E. Caribbean Drive
205	Park	Cannery Park	900 California Avenue
212	Park	Encinal Park	999 Corte Madera Court
223	Park	Las Palmas Tennis Center	755 S. Mathilda Avenue
224	Park	Murphy Park	230 E. California Avenue
240	Park	Raynor Park	1565 Quail Avenue
245	Park	Sunnyvale Middle School Pool & Park	1080 Mango Avenue
250	Park	Columbia Park	739 Morse Avenue
301	Golf	Sunken Gardens Golf Course	1010 S. Wolfe Road

302	Golf	Sunnyvale Municipal Golf Course	605 Macara Avenue
401	Parking Lot	165-14-045 Charles Evelyn/Parklot	
403	Parking Lot	Surface Lot N/O Evelyn	
404	Parking Lot	209-06-076 Evelyn Ave & Sunnyvale Ave	
405	Parking Lot	209-06-071 Evelyn Ave & Sunnyvale Ave	
406	Parking Lot	209-05-047 Caroll St & Evelyn	
407	Parking Lot	209-10-062/209-10-060 Sunnyvale Ave & McKinley Ave	
408	Parking Lot	209-06-073 130 Frances St	
409	Parking Lot	ADJ 165-26-013 Underneath Mathilda Overpass N/O Evelyn	

Report Production

The following information contains the minimum data included in the Access Compliance Assessments Reports (ACAR) for City facilities:

- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans (Barrier Location Plans)
- Area/location of the barrier; for example room name or number
- Description of the barrier (As-Built Description)
- As-is measurement/dimension
- Detailed description of proposed solution and, if applicable, an alternative or interim solution
- Code citations, specifying the applicable sections in the State and Federal accessibility regulations and standards
- Unit and estimated unit price
- Total estimate cost for barrier removal
- Special site conditions (if applicable)

The information obtained from the assessments of City facilities is maintained on a geographic information system (GIS) database.

PRIORITIZATION CRITERIA FOR BARRIER MITIGATION – CITY FACILITIES

The third requirement of an ADA Transition Plan is to create a schedule that the City shall follow which addresses the order in which barriers shall be mitigated. This schedule shall be a public document and shall be made available for public inspection, maintained, and updated for the duration of the Transition Planning period. The maintaining and updating of this document shall mark the City's good-faith efforts in transitioning from a state of noncompliance to compliance regarding the ADA.

The difficulty and complexity of creating a schedule is recognized. Therefore, to provide a methodology for creating a schedule, a prioritization criterion was formed to rank barriers in order of most important to mitigate first to least important.

D. OVERVIEW: ACCESS COMPLIANCE ASSESSMENT OF THE PUBLIC RIGHTS-OF-WAY (PROW)

Barden v. City of Sacramento, 292 F. 3d 1073 established that sidewalks and intersections constitute a service, program, or activity provided by a City, therefore they are subject to accessibility regulations and should be addressed as part of the City's ADA Transition Plan.

Three different features provided in the PROW were assessed, including sidewalks, curb ramps, and pedestrian signals. Curb ramps and pedestrian signals were assessed using a data collection checklist, based on ADA and Department of Transportation (DOT) requirements as well as Public Rights-of-Way Accessibility Guidelines (PROWAG) recommendations. Traditional measuring and smart-level equipment were used to collect measurements for these assessments. Sidewalks were assessed using sidewalk profilers that were developed for the Federal Highway Administration (FHWA) and adapted for sidewalk ADA assessments. The device captures information on slopes, and surface variations and identifies deviations from the required ADA standards and other applicable requirements.

The access compliance assessments of the Public Rights-of-Way (PROW), along with the assessments of City facilities, completely fulfill the first two requirements for an ADA Transition Plan. As a part of this effort, approximately 427 miles of sidewalk and off-street trails, 5,164 curb ramps, and 1,056 pedestrian signals were assessed for access compliance and that the financial cost to mitigate all barriers identified in the assessments to be approximately \$215.7 million.

Feature	Total Number Assessed	Number ADA Compliant	Total Cost Estimate (\$)
Sidewalks	427 miles	137 miles	\$178,743,624
Curb Ramps	5,164 curb ramps	249 curb ramps	\$35,086,100
Pedestrian Signals	1,056 pedestrian signals	315 pedestrian signals	\$1,900,710
TOTAL			\$215,730,434

The information obtained from the assessments of the PROW is maintained on a geographic information system (GIS) database.

PRIORITIZATION CRITERIA FOR BARRIER MITIGATION - PUBLIC RIGHTS-OF-WAY

The third requirement of an ADA Transition Plan is to create a schedule that the City shall follow which addresses the order in which barriers within each feature shall be mitigated. This schedule shall be a public document and shall be made available for public inspection, maintained, and updated for the duration of the Transition Planning period. The maintaining and updating of this document shall mark the City's good-faith efforts in transitioning from a state of noncompliance to compliance regarding accessibility.

The difficulty and complexity of creating a schedule is recognized. Therefore, to provide a methodology for creating a schedule, like City facilities, a prioritization criterion was formed, catered to the in-depth information that is provided utilizing GIS barrier based on two factors, its Priority Score, and its Severity Score. The Priority Score ranks the relative importance of addressing the barrier based on its locational impact on the disabled population, and the Severity Score ranks the barrier based the degree of deviation exhibited compared to applicable access standards.

SEE Prioritization Criteria for Barrier Mitigation – Facilities

The above prioritization criteria can be used to sort the access barriers identified in the assessments and create a schedule that order barrier mitigation work starting from barriers of highest importance to barriers of least importance.

Note that the prioritization criteria serve only as one methodology for the City to create a schedule. Other criteria can be used (and is encouraged) as the basis for forming a schedule including: 1) barriers identified by constituents through an ADA grievance, 2) barriers that overlap with a City project already in the pipelines, 3) barriers that can be resolved internally with the City’s maintenance staff, 4) etc. The City shall document all methodology used in justifying a barrier mitigation schedule.

The prioritization criteria developed for the PROW rates the relative importance of each barrier based on a combination of rating the activity occurring at the barrier’s location, or “Activity Score”, as well as rating the severity from which each feature deviates from current State and Federal standards, or “Barrier Score”. Each score is rated on a scale of 0 to 100, with 0 being the lowest, and 100 being the highest.

The combination of both the “Activity Score” and “Barrier Score” creates an overall “Priority Score” that can be used to sort features identified in the assessments and create a schedule that orders barrier mitigation work starting from features of highest priority to features of lowest priority. The “Priority Score” is rated on a scale of 0 to 200, with 0 being the lowest priority, and 200 being the highest priority.

SEE Appendix G: Prioritization Criteria for Barrier Mitigation – Public Rights-of-Way

E. OFFICIAL(S) RESPONSIBLE

The last requirement of an ADA Transition Plan requires that an official be identified as responsible for the implementation of the entity’s Transition Plan.

It is the U.S. Department of Justice’s (DOJ) view that compliance with 28 CFR 35.150(a), like compliance with the corresponding provisions of the section 504 regulations for public programs, would in most cases not result in undue financial and administrative burdens on a typical City. In determining undue financial and administrative burdens, all City resources available for use in the funding and operation of City services, programs and activities would need to be considered.

The burden of proving that compliance with paragraph (a) of 28 CFR 35.150 would either fundamentally alter the nature of a service, program, or activity OR would result in undue financial and administrative burdens shall rest with the City. The decision that compliance would result in such alteration and/or burden must be made by the head of the public entity or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion.

While the U.S. DOJ has acknowledged the difficulty/complexity of not only making such a determination, but also identifying the official responsible to make this decision/determination, the department's intention is clear in that the determination must be made by a high level official, no lower than a Department head, with budgetary authority and responsibility for making spending decisions.

The Official Responsible for the implementation should be able to seek/acquire funding for ADA barrier removal work over the City’s Transition Planning period. As such, the City shall designate the Assistant City Manager as the Official Responsible for maintaining the ADA Transition Plan. The City's ADA Coordinator will coordinate all accommodation requests.

The City’s ADA Coordinator contact info is as below:

Angela Chan, ADA Coordinator
550 E. Remington Drive
Sunnyvale, CA 94087
Voice: 408-730-7599
TDD: 408-730-7501
Fax: 408-730-7754
Email: ncs@sunnyvale.ca.gov

Indication of the Official(s) Responsible for implementation of the Transition Plan fulfills the final requirement of a Transition Plan.

F. PUBLIC INPUT

Per 28 Code of Federal Regulations, Part 35; Subpart D – Program Accessibility; §35.150 – Existing Facilities; (d) Transition Plan (1): The City shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Self-Evaluation and Transition Plan by submitting comments.

In order to satisfy this requirement and to gain the perspective of persons with disabilities, a public vetting was held by the City on January 25, 2017, where members of the public were invited to comment on and participate in the City’s Draft ADA Self-Evaluation & Transition Plan. A second public meeting will be held on June 23, 2022 to present the final draft of the Plan before adoption.

In addition, the City engages in communications with the public and advisory committees such as the Bicycle and pedestrian Advisory Committee (BPAC), via phone and/or email to gain further input on the City’s Draft ADA Self-Evaluation & Transition Plan.

G. TRANSITION PLAN IMPLEMENTATION

The document should be maintained and updated for the duration of the Transition Planning period and a copy of the Transition Plan shall be made available for public inspection.

The final product is a working document to be modified as barriers are removed or alterations are made. The Public Work's Department and project managers overseeing the barrier-removal projects will document all such ADA improvements/upgrades. Also as part of this process, technical infeasibility, if any, to meet necessary accessibility compliance will be documented and filed for the City's records by the Engineer-of-Record on the said project. It is also recommended to provide accessibility site audits (inspections) of on-going projects as part of the project close-out/certification. This documentation and verification of barrier-mitigation will be integrated into the City's ADA Transition Plan on a regular basis to ensure that barriers are "checked-off" and the Transition Plan remains current with a record of barrier-mitigation work.

Annual reports of barrier-mitigation work may also be provided to the City Council to document good-faith efforts taken by the City in maintaining the Transition Plan.

This is a living document and is open to and expected to be modified throughout the transitioning period.

The City is tasked with analyzing the City's ADA Compliance efforts and implement, where necessary, changes to the City's policies, procedures and infrastructure to ensure that they adhere to the guidelines set forth in this Transition Plan and that the City's programs, services or activities are accessible to people with disabilities.

Maintenance of Accessible Features

The Maintenance of accessible features is mandated by State and Federal Regulations and is an integral part of the City's plan to transition into a more accessible destination. Both, Chapter 28 Code of Federal Regulation, Part 35, Section 35.133 as well as the California Building Code section 1101B.3 – Maintenance of accessible features, state:

1. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities.
2. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

These sections recognize that it is not sufficient to provide features such as accessible routes, ramps, or elevators, if those features are not maintained in a manner that enables individuals with disabilities to use them. Inoperable elevators, are neither "accessible to" nor "usable by" individuals with disabilities.

It is, of course, impossible to guarantee that mechanical devices will never fail to operate. As such, the 2nd paragraph provides that this section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. This paragraph is intended to clarify that temporary obstructions or isolated instances of mechanical failure would not be considered violations of the ADA or this part. However, allowing obstructions or "out of service" equipment to persist beyond a reasonable period of time would violate this part, as would repeated mechanical failures due to improper or inadequate maintenance. Failure of the public entity to arrange prompt repair of inoperable elevators or other equipment intended to provide access would also violate this part.

A City-wide formal policy specifically addressing the legal requirements (28CFR Part 35.133 & CBC1101B.3) of maintaining accessible features would be of long-term benefit to the City.

When, over time, an accessible feature fails, institutionalizing organizational commitments towards protocols and maintenance ensures an appropriate action is taken.

Implementation Policies

The City of Sunnyvale proposes the following implementation policies for transitioning into compliance with the ADA and meeting the requirements of an ADA Transition Plan:

1. The City shall maintain and keep current an inventory of access barriers identified in the Access Compliance Assessments Reports (ACAR) of City owned and leased facilities and the Public Rights-of-Way (PROW). The City elects to maintain the inventory of access barriers identified in City facilities in a database, to be maintained by the City's Public Works Department. The City also elects to maintain the inventory of access barriers identified in the PROW on a geographic information system (GIS), to be maintained by the City's Public Works Department.
2. Where projects in the City's pipeline are identified whose scope of work overlaps with the location of access barriers identified in the Access Compliance Assessments, the City shall ensure that the project incorporate the mitigation of the corresponding barriers. The project and completion of mitigation work shall be appropriately documented in the corresponding inventory.
3. The City will dedicate a minimum budget of \$100,000 per year, funded through the City's Capital Improvement Plan, for the sole purpose of providing accessibility improvements for barriers identified in the ACAR. The City shall utilize this budget by analyzing the schedule maintained by the ADA Transition Plan and creating projects solely dedicated to the barrier mitigation work. The City's Capital Improvement Plan is a 20-year plan funded on a grand total budget of \$300,000,000. The City will suitably utilize the minimum budget allocated annually from the plan and tap into additional funding from the grand total as necessary and appropriate to make improvements.
4. The City will continue to seek out sources of funding beyond to fund accessibility improvements throughout the City (including City ordinances). The City will use this document in all funding applications to show good-faith efforts in planning for orderly transition to compliance.