



Staff Report

File #: REPORT 22-0176, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Adjourned Regular Meeting of March 31, 2022**

**CONSIDERATION OF TAKING ACTION AND GIVING DIRECTION TO
STAFF ON ITEMS FROM THE AMERICANS WITH DISABILITIES ACT
(ADA) STUDY SESSION**

(Public Works Director Joe SanClemente)

Recommended Action:

Staff recommends City Council:

1. Approve and adopt the 2022 Americans with Disability Act (ADA) Self-Evaluation and Transition Plan (**Attachment 1**);
2. Direct staff to advance recommendations in the 2022 ADA Self-Evaluation and Transition Plan, as funds are available in future budget cycles; and
3. Select Option 1 as presented in the Study Session for design and construction of a pilot trail on the Greenbelt from Pier Avenue to 11th Street and direct staff to incorporate the project, along with other new funding requests, in the FY2022-23 budget review and approval process (**Attachment 3**).

Executive Summary:

This evening's ADA Study Session detailed the City's ongoing ADA program efforts, the draft Americans with Disability Act (ADA) Self-Evaluation and Transition Plan and the Feasibility Study for an Accessible Trail along the Greenbelt. Based on the staff presentation and discussion of items at the ADA Study Session, Council may choose to take the staff recommended actions at this Adjourned Meeting of the City Council.

Background:

ADA Self-Evaluation and Transition Plan

At its July 13, 2021 meeting, City Council directed staff to return for a study session focused on the City's Americans with Disabilities Act (ADA) program including efforts to complete the incomplete 2015 Draft ADA Transition Plan.

ADA Inspection Plus, LLC prepared a draft ADA Transition Plan for the City in 2015 to assist with the identification of physical barriers of access to facilities and to develop barrier removal solutions to

facilitate access for all individuals. The report also provided an overview of the obligation public entities have to develop a Self-Evaluation and Transition Plan and outlined the plan development process. As part of the preparation of the 2015 Draft Transition Plan, the consultant team prepared a series of Self-Evaluation Reports for the City's main public facilities.

The City created and involved the Access Hermosa Working Group (AHWG) to help comment on the 2015 Draft Transition Plan. Formed by the City Manager, the AHWG met approximately once per month 2015 through 2019 to discuss ADA access concerns and make suggestions to City staff. In 2019, the AHWG was given the opportunity to comment on the 2015 Draft Transition Plan and submit feedback to City staff. For a number of reasons beyond the City's control (including exigencies created by the COVID-19 pandemic), adoption of the proposed plan was delayed.

The City has since contracted with Access, Inc. to provide Certified Access Specialist (CASP) services, review the 2015 Draft Transition Plan, and update the plan with currently known information to serve as the City's 2022 ADA Self-Evaluation and Transition Plan (**Attachments 1 and 2**).

The City Manager reconvened the AHWG to meet on February 9, 2022 to comment on the draft 2022 ADA Self-Evaluation and Transition Plan and the draft Greenbelt Accessibility Feasibility Study. Staff also presented these items to Public Works Commission at its March 2, 2022 meeting.

Greenbelt Feasibility Study for ADA Accessibility

At its February 27, 2018 meeting, City Council was presented an item titled *ADA Assessment and Proposed Decomposed Granite Path on the Greenbelt* during which staff recommended further review and policy direction for ADA accessibility upon the Greenbelt. Following discussion, Council directed staff to further investigate modification options to the Greenbelt for an accessible path consistent with the current zoning requirements and to work with the AHWG and the Public Works Commission. Council further directed staff to include in the agenda item presented to the Public Works Commission a report from a landscape architect with options allowed under existing zoning requirements.

The City contracted with an ADA specialist, Access, Inc., and a landscaping architect, SWA Group, to study the feasibility of an accessible trail along a portion of, or throughout, the Greenbelt (**Attachment 3**). The work was done as part of a Capital Improvement Project (CIP) Study 544-Greenbelt Accessible Path Assessment.

Past Commission and Council Actions

Meeting Date	Description
February 27, 2018	Council directed staff to continue to work with the Public Works Commission, and the City Attorney and return to the Council at a future meeting with recommendations for either (1) implementing the proposed Greenbelt modifications consistent with current zoning requirements, OR (2) providing the actions needed to place the issue of potential modifications to The Greenbelt as a ballot measure at a future election. Staff was further directed to include, in the agenda item presented to the Public Works Commission, a report from a landscape architect with opinions on options within existing zoning requirements, making clear that the issue is to be brought back as time allows.
July 13, 2021	As part of the Adoption of the Fiscal Year 2021 Budget, City Council directed staff to return a study session focused on the City's Americans with Disabilities Act (ADA) program including efforts to complete the incomplete 2015 Draft ADA Transition Plan.
March 2, 2022	Public Works Commission (PWC) received and filed the draft ADA Self-Evaluation and Transition Plan and the draft Feasibility Study for an Accessible Trail along the Greenbelt and recommended the City Council approve the draft ADA Self-Evaluation and Transition with the incorporation of PWC comments.

Discussion:***City ADA Program Efforts***

The City of Hermosa Beach has actively made and continues to make significant efforts improving accessibility throughout the City. Some of those efforts include dedicating an ADA coordinator; retaining a Certified Access Specialist (CASP) consultant; establishing an ADA grievance process; and finalizing the City's draft ADA Self-Evaluation and Transition Plan. The City has also committed approximately \$662,000 in Fiscal Year 2021-2022 to address ADA issues and grievances, fund ADA consulting, and address priority accessibility enhancement needs.

The City also incorporates ADA improvement elements throughout Capital Improvement Projects

(CIPs) and private developments on a continuous basis. Examples include adding new curb ramps as part of pavement resurfacing, installing and updating ADA parking spaces, ensuring ADA compliance of new city facilities such as the park restrooms and increasing accessibility to beaches and parks.

ADA Self-Evaluation and Transition Plan

The City brought aboard a CASp consultant, Access, Inc. to review and update the 2015 Draft ADA Transition Plan and associated facilities site surveys (**Attachment 2**), which once finalized and adopted by City Council, will serve as the City's 2022 ADA Self-Evaluation and Transition Plan ("2022 Transition Plan").

An ADA transition plan is a living document and is a tool that Title II of the ADA requires cities to develop, identifying and prioritizing accessibility issues. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible. Given the tremendous amount of time and expense needed to achieve complete program accessibility, the primary purpose of a transition plan is to demonstrate a city's good faith commitment to doing so, which in many cases requires several decades.

Title II of the ADA requires that public entities take several steps designed to achieve program accessibility, including preparation of the self-evaluation and notice to the public. Public entities with 50 or more employees are also required to develop a grievance procedure, designate an ADA coordinator, develop a transition plan if structural changes are necessary for achieving program accessibility, and retain the self-evaluation for three years.

Five phases of access compliance were used to assess the status of the City's Program Accessibility, including Commitment, Self-Evaluation, Transition, Implementation, and Ongoing Support. The City is currently engaging in ongoing efforts in all five phases of access compliance with recommended actions, which include finalizing the draft ADA Transition Plan and the subsequent approval and adoption of the ADA Transition Plan by City Council.

The City's 2022 Transition Plan is intended to consolidate the unfinished 2015 Draft Transition Plan prepared by ADA Inspection Plus, LLC. and the self-evaluation of selected facilities completed to date. Although areas of self-evaluation are yet to be completed, the report nonetheless functions as the City's 2022 Transition Plan to demonstrate its good faith commitment to achieve program accessibility in measurable steps and goals over the next several decades. Areas yet to be examined for accessibility will be the subject of individualized self-evaluation reports to be completed at a later date and then added to the 2022 Transition Plan at that time.

The 2022 Transition Plan identifies physical barriers at City facilities, compiles ADA facility evaluation reports, provides cost estimates of improvements, identifies priorities, and provides an implementation schedule of the improvements. As mentioned, the 2022 Transition Plan is a living document that requires updating as accessibility goals are achieved and new ones arise. The ADA improvements that are recommended in the 2022 Transition Plan will require funding and resource commitment from the City to implement. Implementation of these improvements will take time, some of which will span several decades.

Greenbelt Feasibility

The Feasibility Study for an Accessible Trail along the Greenbelt, prepared by the City's consultant Access, Inc., assesses the practicality of providing an accessible route along a portion, or throughout the Greenbelt.

The Greenbelt was developed in 1986 on an abandoned Santa Fe Railroad spur. Over time, the City provided incremental access improvements to the Greenbelt with the construction of curb ramps and ramps at cross streets and various mid-block points of access. Additionally, the City also installed workout stations, water fountains, benches and monuments.

The Greenbelt is currently zoned O-S-1 Restricted Open Space. As per Hermosa Beach Municipal Code (HBMC) § 17.32.010, the O-S-1 zone is intended to restrict the further use of certain designated open space to ensure permanent open space in and for public parks and recreation areas. The uses permitted in the O-S-1 zone are codified in Hermosa HBMC § 17.30.020 and lists 13 types of uses (e.g., public parks, playgrounds, bicycling and pedestrian walkways, etc.). Furthermore, improvements permitted in the Greenbelt are restricted to only nonbuilding public improvements relating to landscaping, beautification, erosion control, and irrigation improvements by the City which are consistent with or necessary to maintain and ensure permanent open space in and for public parks and recreation purposes. These restrictions are further described in the February 22, 2018 memorandum titled "Improvements on the Greenbelt" which is included as part of **Attachment 3**.

The 2014 Architect Barriers Act Guidelines for Outdoor Developed Areas and the 2010 American with Disabilities Act Standards for Accessible Designs were used as the reference standards for the feasibility of an accessible route on the Greenbelt. From those standards, field observations and analysis, the pedestrian trail route type was determined to be the best-suited trail type to define the required improvements and associated slope requirements for a possible Greenbelt accessible path.

One of the critical elements of an accessible path is the pathway material used. The material shall be firm, stable, and slip resistant for it to be accessible. The existing wood chips do not meet these requirements. Another important criterion for the City is to maintain the natural look of the Greenbelt. As such, the recommended material that best matches these requirements is decomposed granite (DG), which resembles a fine gravel or coarse sand, and can be obtained in different colors to best

match the surroundings. If a new DG pedestrian trail were to be installed on the Greenbelt, drainage and grading would need to be improved to keep the trail dry. Enhanced maintenance, such as ensuring the DG remains stabilized and trimming overgrown branches and vegetation as necessary, would also need to be considered.

The feasibility study found that it is technically feasible for the City to make either all or a portion of the Greenbelt accessible, provided that slope requirements are met. The recommended location for an initial pilot project is between Pier Avenue and 8th Street as this segment offers all the elements offered elsewhere along the Greenbelt (monument, workout station, benches, water fountain, etc.). The City engaged SWA Group, a landscape architect, to provide conceptual designs to assist with the visualization of what an accessible pedestrian trail could look like along a shorter portion of this segment of the Greenbelt from Pier Avenue to 11th Street to establish an initial pilot. The City could in the future add additional elements as discussed above or extend the pilot segment to 8th Street.

The visualizations include three options for an initial pilot along the segment of the Greenbelt, from Pier Avenue to 11th Street, to establish and detail considerations for edge treatments and colorization of the DG material:

- **Option 1**-replace the entire wood chip path in the pilot segment with DG. This option would be the lowest maintenance and create a seamless sense of access for all but would require the complete replacement of the wood chips and minor modifications to existing irrigation and landscaping;
- **Option 2**-combine wood chips and DG in the pilot segment area into one path with 6 feet of wood chips on one side and 6 feet of DG on the other side. This option would keep some of the existing wood chips to provide an option of either material for pedestrians but would require significant maintenance to prevent mixing of materials and may increase conflicts between passing users. It would also require a fixed header to separate the material, which may be a potential tripping hazard. Minor modifications to existing irrigation and planting would still be needed; and
- **Option 3**-create a separate DG path in the pilot segment, just west of and parallel to the existing wood chip pathway. This option would provide a dedicated DG path, retain the existing wood chip path, and reduce the risk of conflicts between Greenbelt users traveling in opposite directions. This is the highest cost option and would require some planting and possible tree removal (and replanting). Given the variability of the terrain in different segments of the Greenbelt, this approach may not be feasible for the entirety of the Greenbelt without significant regrading.

Each of these options would provide an accessible pedestrian trail on the Greenbelt. While wood chips create a barrier to some people with physical disabilities, the Greenbelt is “Safe Harbored” because it was built before the ADA. This means the City does not have to make modifications to elements in the Greenbelt that comply with ADA Standards, unless alterations occur, or through a barrier removal plan. The Access Feasibility Study of the Greenbelt will be incorporated in the City’s future Transition Plan.

In review of these options with the AHWG on February 9, 2022, the group generally favored Option 1 as it provided access for all in a single location versus separate paths for users of different abilities. At its March 2, 2022 meeting, the Public Works Commission generally supported Options 1 or 3, with most favoring Option 3. Option 2 was the least favorable option during discussions with both groups and is not recommended by staff due primarily to concerns over maintenance. Should it decide to move forward with the pilot project, staff recommends City Council consider Option 1 as it reduces overall maintenance needs for this segment of the Greenbelt (i.e., one material), minimizes impacts to adjacent plantings, has the lowest capital cost, and provides the most equal access for users of all abilities.

General Plan Consistency:

This report and associated recommendations have been evaluated for their consistency with the City’s General Plan. Relevant Policies are listed below:

Governance Element

Goal 1. A high degree of transparency and integrity in the decision-making process.

Policies:

- **1.1 Open meetings.** Maintain the community’s trust by holding meetings in which decisions are being made, that are open and available for all community members to attend, participate, or view remotely.
- **1.2 Strategic planning.** Regularly discuss and set priorities at the City Council and management level to prioritize work programs and staffing needs.
- **1.3 Priority-based budgeting.** Utilize priority-based budgeting to ensure funding allocations are consistent with the priorities set by the community and City Council.
- **1.4 Consensus oriented.** Strive to utilize a consensus-oriented decision-making process.

Goal 2. The community is active and engaged in decision-making processes.

Policy:

- **2.4 Public Forum.** Host periodic public forums on issues important to the community, facilitating these forums with the purpose of guiding City policy.

Mobility Element

Goal 3. Public rights-of-way supporting a multimodal and people-oriented transportation system that provides diversity and flexibility on how users choose to be mobile.

Policies:

- **3.1 Enhance public rights-of-way.** Where right-of-way clearance allows, enhance public rights-of-way to improve connectivity for pedestrians, bicyclists, disabled persons, and public transit stops.
- **3.10 Require ADA standards.** Require that all public rights-of-way be designed per Americans with Disabilities Act (ADA) standards by incorporating crosswalks, curb ramps, pedestrian signals, and other components to provide ease of access for disabled persons.

Parks + Open Space Element

Goal 1. First class, well maintained, and safe recreational facilities, parks and open spaces.

Policies:

- **1.4 Low-maintenance design.** Promote environmentally sustainable and low maintenance design principles in the renovation, addition, or maintenance of parks and recreation facilities.
- **1.5 Evaluate community needs.** Conduct a periodic review of community park needs and interests to inform maintenance and investment priorities.

Goal 4. Direct and accessible routes and connections to parks, recreational facilities, and open space are provided.

Policy:

- **4.4 ADA accessible park access.** Install ADA and universally accessible amenities and equipment so that all parks, beach, and trail networks are accessible to all persons.

Infrastructure Element

Goal 1. Infrastructure systems are functional, safe, and well maintained.

Policies:

- **1.1 Infrastructure systems plan.** Establish and adopt an integrated, holistic systems approach to guide infrastructure development, improvement, maintenance, and resilience.
- **1.2 Priority investments.** Use City Council established priorities and the Capital Improvement Program (CIP) to identify and allocate funding for projects identified in the infrastructure plan.

Fiscal Impact:

Funds would need to be appropriated to advance recommendations in the 2022 Transition Plan, as funds are available in future budget cycles. Staff will present the selected option for the pilot accessible trail on the Greenbelt along with other new funding requests, during the FY2022-23 budget review and approval process.

Attachments:

1. Draft 2022 ADA Self-Evaluation and Transition Plan
2. Draft ADA Self-Evaluation and Transition Plan Appendix B-ADA Evaluation Reports
3. Feasibility Study for an Accessible Trail along the Greenbelt
4. Link to February 27, 2018 City Council Staff Report on ADA Assessment and Proposed Decomposed Granite Path on Greenbelt
5. Link to July 13, 2021 City Council Staff Report for Adoption of the Fiscal Year 2021-22 Budget
6. Link to March 2, 2022 Public Works Commission Staff Report on Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan and Feasibility Study for an Accessible Trail along the Greenbelt
7. Presentation Slides

Respectfully Submitted by: Andrew Nguyen, Associate Engineer

Concur: Lucho Rodriguez, Deputy City Engineer

Concur: Joe SanClemente, Public Works Director

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager