



Council Agenda Report

Date: March 17, 2015

Item No: 16.

FROM: Dino Pick, Deputy City Manager, Plans and Public Works
Prepared By: John Kuehl, Chief of Inspection Services/Building Official

SUBJECT: Adopt an ADA Compliance Review Policy for City Projects

RECOMMENDATION:

That the City Council adopt the proposed Americans with Disabilities Act (“ADA”) compliance review policy for new City-owned or City funded construction projects (“City Projects”).

POLICY IMPLICATIONS:

Currently the City does not have a policy or procedure in place to ensure that new City projects are reviewed for ADA compliance. This action, if approved will adopt a policy to be included in the existing ADA Transition Plan.

FISCAL IMPLICATIONS:

There are no direct financial implications, although there will likely be an increased workload for the ADA Coordinator.

ENVIRONMENTAL DETERMINATION:

The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 (“CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

ALTERNATIVES CONSIDERED:

The Council could choose to include different guidelines for when ADA review is required. However, continuing with the status quo is not recommended because the Department of Justice suggests that every jurisdiction should have a written and adopted ADA project approval policy for City projects.

DISCUSSION:

The City of Monterey updated its ADA Transition Plan in March 2013. During the August 2014 Cal Trans ADA review, the question was asked if the City of Monterey had a current policy or review process to verify that all City projects obtain an ADA review prior to approval, funding and construction. Because the City has no such process currently, the attached policy will address that need. Achieving compliance with the ADA requires early engagement in projects to ensure all elements impacted by accessibility requirements are addressed from the beginning. Requiring review by the City's ADA Coordinator will help ensure that City projects comply with federal accessibility requirements.

On January 29, 2015, the Disabled Access Appeals Board held a meeting to discuss this item. After public comment, the Board passed a motion recommending that the City Council adopt the draft policy.

Staff is requesting that the City Council formally adopt the ADA Compliance Review for City Projects Policy and for it to be incorporated into the current ADA Transition Plan.

- Attachments:
1. Resolution Adopting an ADA Compliance Review Policy for City Projects
 2. Draft ADA Compliance Review Policy for City Projects

RESOLUTION NO. ___ - ___ C.S.

Date: March 17, 2015
Item No: 16.

A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY

ADOPTING AN ADA COMPLIANCE REVIEW POLICY FOR CITY PROJECTS

WHEREAS, as a public entity defined under Title II of the federal Americans with Disabilities Act (ADA), all City of Monterey owned or funded construction projects must comply with federal, state, and local accessibility requirements;

WHEREAS, achieving compliance with the ADA requires early engagement in projects to ensure all elements impacted by accessibility requirements are addressed from the beginning; and,

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTEREY that it hereby recommends that the City Council adopt the proposed ADA Compliance Review Policy for City Projects, and incorporates it into the City's ADA transition plan, attached as Exhibit A.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this _____ day of _____, 201_, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

APPROVED:

ATTEST:

Mayor of said City

City Clerk thereof

Exhibit A

**CITY OF MONTEREY
ADA POLICIES AND PROCEDURES**

TITLE: ADA COMPLIANCE REVIEW POLICY FOR CITY PROJECTS

To ensure that all City-owned or City funded construction projects (“City Projects”) comply with the architectural access standards of the Americans with Disabilities Act (“ADA”), whether the work is performed by City staff or private construction contractors working on behalf of the City of Monterey, the City’s ADA Coordinator s office shall review all City Projects.

Applications shall be submitted to the ADA Coordinator on an approved form. Review and response will be completed within 20-business days of an application’s submission. The Disability Access Compliance project sign-off form, or its equivalent, shall then be submitted with any plans or other necessary documentation for regular plan approval by the Building Permit and Inspection Services. Building Permit and Inspection Services shall not process plans or inspect construction in the absence of the completed Disability Access Compliance project sign-off form.