

CITY OF EMERYVILLE
INCORPORATED 1896

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ADA Self-Evaluation and Transition Plan Update



Dominique B. Burton, ADA Coordinator
City of Emeryville
December, 2010



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**DECLARATION OF COMPLIANCE WITH THE
AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act (ADA) requires that private organizations serving the public make their goods, services and facilities accessible to people with disabilities. Furthermore, the City of Emeryville requires that all of its Contractors comply with their ADA obligations and verify such compliance by signing this Declaration of Compliance.

The Contractor certifies that it will comply with the Americans with Disabilities Act by:

- A. Adopting policies, practices and procedures that ensure non-discrimination and equal access to Contractor's goods, services and facilities for people with disabilities;
- B. Providing goods, services and facilities to individuals with disabilities in an integrated setting, except when separate programs are required to ensure equal access;
- C. Making reasonable modifications in programs, activities and services when necessary to ensure equal access to individuals with disabilities, unless fundamental alteration in the nature of the Contractor's program would result;
- D. Removing architectural barriers in existing facilities or providing alternative means of delivering goods and services when removal of barriers is cost-prohibitive;
- E. Furnishing auxiliary aids to ensure equally effective communication with persons with disabilities; and
- F. If contractor provides transportation to the public, by providing equivalent accessible transportation to people with disabilities.

The undersigned authorized representative hereby obligates the Contractor to the above stated conditions under penalty of perjury.

Company Name

Signature of Authorized Representative

Address

Type or Print Name

Phone

Date

Type or Print Title

ADDENDUM

NO.	DATE ISSUED	TITLE
1.	August 12, 2010	July 23, 2010 - Revised ADA Regulations Implementing Title II
2.	December 1, 2010	Synopsis: Comparison of 2010 ADA Standards & 2004 ADAAG
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		



CITY OF EMERYVILLE

INCORPORATED 1896

AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR
1333 PARK AVENUE
EMERYVILLE, CALIFORNIA 94608-3517

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ADDENDUM #1

August 12, 2010

July 23, 2010 - Revised ADA Regulations Implementing Title II

On Friday, July 23, 2010, Attorney General Eric Holder signed final regulations revising the Department of Justice's ADA regulations, including its ADA Standards for Accessible Design (the "2010 Standards"). The 2010 Standards will be published in the Federal Register. The 2010 Standards will amend the Department's Title II regulations, 28 C.F.R. Part 35, and the Title III regulation, 28 C.F.R. Part 36.

The City of Emeryville, ADA Self-Evaluation and Transition Plan Update was completed as of July, 2010 using Title II regulations and accompanying ADA Standards for Accessible Design of 2001 (herein referenced in Transition Plan as "ADAAG") that were in existences before the revisions were signed into law. The 2010 Standards may affect the recommended actions in the correction of facility and public rights of way, yet have little effect on the effectiveness of the enclosed Transition Plan considering:

1. Effective Date. The 2010 Standards will become effective **six (6) months** after publication in the Federal Register. **Eighteen (18) months** after publication, compliance with the 2010 Standards will be required for new construction and alterations. In the period between the publication date and the compliance date, covered entities may choose between the 1991 Standards and the 2010 Standards. Covered entities that should have complied with the 1991 Standards during any new construction or alteration of facilities or elements, but have not done so by 18 months after the date of publication of the final rule, must comply with the 2010 Standards.
2. Element by Element Safe Harbor. The 2010 Standards include a general "safe harbor" under which elements in covered facilities that were built or altered in compliance with the 1991 Standards would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration.

The City will govern itself pursuant to the 2010 Standards exclusively as of March 15, 2012 in any corrective acts taken pursuant to the Transition Plan. In the meantime, the City will strive to use the 2010 Standards should they differ from 2001 ADAAG Standards, as deemed reasonable and proper.

Dominique B. Burton, ADA Coordinator



CITY OF EMERYVILLE

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ADDENDUM #2

December 1, 2010

2010 ADA Standards

The enclosed Transition Plan and Self-Survey for the City of Emeryville was completed before the Department of Justice's 2010 ADA Standards and 2010 California Building Code, Title 24 were finalized. All references in the Plan and Self-Survey are to the 2004 ADAAG and 2007 Title 24 regulations.

For your convenience, attached please find a synopsis of some changes between the 2004 ADAAG and 2010 ADA Standards. Please refer to the full text of both regulations and seek advice from Building Department and myself before instituting any corrective actions as prescribed under this plan.

Dominique B. Burton, ADA Coordinator

2010 ADA Standards	2004 ADAAG
201 Application	4. ACCESSIBLE ELEMENTS AND SPACES: SCOPE AND TECHNICAL REQUIREMENTS. <i>4.1 Minimum Requirements</i>
201.1 Scope. All areas of newly designed and newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with these requirements.	4.1.1 Application. (1) General. All areas of newly designed or newly constructed buildings and facilities required to be accessible by 4.1.2 and 4.1.3 and altered portions of existing buildings and facilities required to be accessible by 4.1.6 shall comply with these guidelines, 4.1 through 4.35, unless otherwise provided in this section or as modified in a special application section.
201.2 Application Based on Building or Facility Use. Where a site, building, facility, room, or space contains more than one use, each portion shall comply with the applicable requirements for that use.	4.1.1(2) Application Based on Building Use. Special application sections 5 through 10 provide additional requirements for restaurants and cafeterias, medical care facilities, business and mercantile, libraries, accessible transient lodging, and transportation facilities. When a building or facility contains more than one use covered by a special application section, each portion shall comply with the requirements for that use.

<p>201.3 Temporary and Permanent Structures. These requirements shall apply to temporary and permanent buildings and facilities.</p>	<p>4.1.1(4) Temporary Structures. These guidelines cover temporary buildings or facilities as well as permanent facilities. Temporary buildings and facilities are not of permanent construction but are extensively used or are essential for public use for a period of time. Examples of temporary buildings or facilities covered by these guidelines include, but are not limited to: reviewing stands, temporary classrooms, bleacher areas, exhibit areas, temporary banking facilities, temporary health screening services, or temporary safe pedestrian passageways around a construction site. Structures, sites and equipment directly associated with the actual processes of construction, such as scaffolding, bridging, materials hoists, or construction trailers are not included.</p>
<p>202 Existing Buildings and Facilities</p>	<p>4.1.6 Accessible Buildings: Alterations.</p>
<p>202.1 General. Additions and alterations to existing buildings or facilities shall comply with 202.</p>	<p>4.1.6 (1) General. Alterations to existing buildings and facilities shall comply with the following:</p>
<p>202.2 Additions. Each addition to an existing building or facility shall comply with the requirements for new construction. Each addition that affects or could affect the usability of or access to an area containing a primary function shall comply with 202.4.</p>	<p>4.1.5 Accessible Buildings: Additions. Each addition to an existing building or facility shall be regarded as an alteration. Each space or element added to the existing building or facility shall comply with the applicable provisions of 4.1.1 to 4.1.3, Minimum Requirements (for New Construction) and the applicable technical specifications of section 4 and the special application sections. Each addition that affects or could affect the usability of an area containing a primary function shall comply with 4.1.6(2).</p>
<p>202.3 Alterations. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Chapter 2.</p> <p>EXCEPTIONS:</p> <ol style="list-style-type: none"> 1. Unless required by 202.4, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an accessible route shall not be required. 2. In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent feasible. 3. Residential dwelling units not required to be accessible in compliance with a standard issued pursuant to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, as amended, shall not be required to comply with 202.3. 	<p>4.1.6(1)(b) If existing elements, spaces, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of 4.1.1 to 4.1.3 Minimum Requirements (for New Construction). If the applicable provision for new construction requires that an element, space, or common area be on an accessible route, the altered element, space, or common area is not required to be on an accessible route except as provided in 4.1.6(2) (Alterations to an Area Containing a Primary Function.)</p> <p>4.1.6(1)(j) EXCEPTION: In alteration work, if compliance with 4.1.6 is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration.</p>

<p>circulation paths shall not be required to comply with 307.</p> <p>2. Within play areas, protruding objects on circulation paths shall not be required to comply with 307 provided that ground level accessible routes provide vertical clearance in compliance with 1008.2.</p>	<p>4.1.3(2) All objects that overhang or protrude into circulation paths shall comply with 4.4.</p>
	<p>4.1.3(5) EXCEPTION 3: Accessible ramps complying with 4.8 may be used in lieu of an elevator.</p>
	<p>4.1.6(1)(k) EXCEPTION:</p> <p>(i) These guidelines do not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story unless the building is a shopping center, a shopping mall, the professional office of a health care provider, or another type of facility as determined by the Attorney General.</p> <p>(ii) The exemption provided in paragraph (i) does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in these guidelines. For example, alterations to floors above or below the ground floor must be accessible regardless of whether the altered facility has an elevator. If a facility subject to the elevator exemption set forth in paragraph (i) nonetheless has a passenger elevator, that elevator shall meet, to the maximum extent feasible, the accessibility requirements of these guidelines.</p>
<p>3. In detention and correctional facilities, an accessible route shall not be required to connect stories where cells with mobility features required to comply with 807.2, all common use areas serving cells with mobility features required to comply with 807.2, and all public use areas are on an accessible route.</p>	<p>See Appendix 12.1 EXCEPTION</p>
<p>206.2.17 Play Areas. Play areas shall provide accessible routes in accordance with 206.2.17. Accessible routes serving play areas shall comply with Chapter 4 except as modified by 1008.2.</p>	<p>See Appendix 15.6</p>
<p>206.2.17.1 Ground Level and Elevated Play Components. At least one accessible route shall be provided within the play area. The accessible route shall connect ground level play components required to comply with 240.2.1 and elevated play components required to comply with 240.2.2, including entry and exit points of the play components.</p>	
<p>206.2.17.2 Soft Contained Play Structures. Where three or fewer entry points are provided for soft contained play structures, at least one entry point shall be on an accessible route. Where four or more entry points are provided for soft contained play structures, at least two entry points shall be on an accessible route.</p>	

<p>206.3 Location. Accessible routes shall coincide with or be located in the same area as general circulation paths. Where circulation paths are interior, required accessible routes shall also be interior.</p>	<p>4.3.2 Location.</p> <p>(1) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.</p>
<p>206.4 Entrances. Entrances shall be provided in accordance with 206.4. Entrance doors, doorways, and gates shall comply with 404 and shall be on an accessible route complying with 402.</p>	
<p>EXCEPTIONS:</p> <p>1. Where an alteration includes alterations to an entrance, and the building or facility has another entrance complying with 404 that is on an accessible route, the altered entrance shall not be required to comply with 206.4 unless required by 202.4.</p>	<p>4.1.6(1)(h) Entrances: If a planned alteration entails alterations to an entrance, and the building has an accessible entrance, the entrance being altered is not required to comply with 4.1.3(8), except to the extent required by 4.1.6(2). If a particular entrance is not made accessible, appropriate accessible signage indicating the location of the nearest accessible entrance(s) shall be installed at or near the inaccessible entrance, such that a person with disabilities will not be required to retrace the approach route from the inaccessible entrance.</p>
<p>2. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, no more than one public entrance shall be required to comply with 206.4. Where no public entrance can comply with 206.4 under criteria established in 202.5 Exception, then either an unlocked entrance not used by the public shall comply with 206.4; or a locked entrance complying with 206.4 with a notification</p>	<p>4.1.7(3)(b) At least one accessible entrance complying with 4.14 which is used by the public shall be provided.</p> <p>EXCEPTION: If it is determined that no entrance used by the public can comply with 4.14, then access at any entrance not used by the general public but open (unlocked) with directional signage at the primary entrance may be used. The accessible entrance shall also</p>

<p>system or remote monitoring shall be provided.</p>	<p>have a notification system. Where security is a problem, remote monitoring may be used.</p>
<p>206.4.1 Public Entrances. In addition to entrances required by 206.4.2 through 206.4.9, at least 60 percent of all public entrances shall comply with 404.</p>	<p>4.1.3(8) The requirements in (a) and (b) below shall be satisfied independently:</p> <p>(a)(i) At least 50 percent of all public entrances (excluding those in (b) below) shall comply with 4.14. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.</p> <p>(ii) Accessible public entrances must be provided in a number at least equivalent to the number of exits required by the applicable building or fire codes. (This paragraph does not require an increase in the total number of public entrances planned for a facility.)</p>
<p>206.4.2 Parking Structure Entrances. Where direct access is provided for pedestrians from a parking structure to a building or facility entrance, each direct access to the building or facility entrance shall comply with 404.</p>	<p>4.1.3(8)(b)(i) In addition, if direct access is provided for pedestrians from an enclosed parking garage to the building, at least one direct entrance from the garage to the building must be accessible.</p>
<p>206.4.3 Entrances from Tunnels or Elevated Walkways. Where direct access is provided for pedestrians from a pedestrian tunnel or elevated walkway to a building or facility, at least one direct entrance to the building or facility from each tunnel or walkway shall comply with 404.</p>	<p>4.1.3(8)(b)(ii) If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, one entrance to the building from each tunnel or walkway must be accessible.</p> <p>One entrance may be considered as meeting more than one of the requirements in (b).</p> <p>Because entrances also serve as emergency exits whose proximity to all parts of buildings and facilities is essential, it is preferable that all entrances be accessible.</p>
<p>206.4.4 Transportation Facilities. In addition to the requirements of 206.4.2, 206.4.3, and 206.4.5 through 206.4.9, transportation facilities shall provide entrances in accordance with 206.4.4.</p>	<p>10.3.1 New Construction. New stations in rapid rail, light rail, commuter rail, intercity bus, intercity rail, high speed rail, and other fixed guideway systems (e.g., automated guideway transit, monorails, etc.) shall comply with the following provisions, as applicable . . .</p> <p>See also 10.3.2(2)</p>
<p>206.4.4.1 Location. In transportation facilities, where different entrances serve different transportation fixed routes or groups of fixed routes, at least one public entrance serving each fixed route or group of fixed routes shall comply with 404.</p>	<p>10.3.1(2) In lieu of compliance with 4.1.3(8), at least one entrance to each station shall comply with 4.14, Entrances. If different entrances to a station serve different transportation fixed routes or groups of fixed routes, at least one entrance serving each group or route shall comply with 4.14, Entrances. All accessible</p>

	entrances shall, to the maximum extent practicable, coincide with those used by the majority of the general public.
EXCEPTION: Entrances to key stations and existing intercity rail stations retrofitted in accordance with 49 CFR 37.49 or 49 CFR 37.51 shall not be required to comply with 206.4.4.1.	<p>10.3.2 Existing Facilities: Key Stations.</p> <p>(1) Rapid, light and commuter rail key stations, as defined under criteria established by the Department of Transportation in subpart C of 49 C.F.R. part 37 and existing intercity rail stations shall provide at least one accessible route from an accessible entrance to those areas necessary for use of the transportation system.</p> <p>(2) The accessible route required by 10.3.2(1) shall include the features specified in 10.3.1(1), (4)-(9), (11)-(15), and (17)-(19).</p>
206.4.4.2 Direct Connections. Direct connections to other facilities shall provide an accessible route complying with 404 from the point of connection to boarding platforms and all transportation system elements required to be accessible. Any elements provided to facilitate future direct connections shall be on an accessible route connecting boarding platforms and all transportation system elements required to be accessible.	10.3.1(3) Direct connections to commercial, retail, or residential facilities shall have an accessible route complying with 4.3 from the point of connection to boarding platforms and all transportation system elements used by the public. Any elements provided to facilitate future direct connections shall be on an accessible route connecting boarding platforms and all transportation system elements used by the public.
EXCEPTION: In key stations and existing intercity rail stations, existing direct connections shall not be required to comply with 404.	See 10.3.2(2)
206.4.4.3 Key Stations and Intercity Rail Stations. Key stations and existing intercity rail stations required by Subpart C of 49 CFR part 37 to be altered, shall have at least one entrance complying with 404.	<p>10.3.3 Existing Facilities: Alterations.</p> <p>(1) For the purpose of complying with 4.1.6(2) Alterations to an Area Containing a Primary Function, an area of primary function shall be as defined by applicable provisions of 49 C.F.R. 37.43(c) (Department of Transportation's ADA Rule) or 28 C.F.R. 36.403 (Department of Justice's ADA Rule).</p> <p>See also 10.3.2(1)</p>

1. INTRODUCTION

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation and telecommunications. The City of Emeryville has undertaken a comprehensive re-evaluation of its policies, programs and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services, activities and facilities.

In 1993 the City of Emeryville completed its initial ADA Self-Evaluation and Transition Plan. The following document seeks to update the 1993 plan. This update describes the process developed to complete the re-evaluation of Emeryville's activities, provides policy and program recommendations and presents a Transition Plan Update for the modification of facilities, public rights-of way and programs to ensure accessibility.

This document will guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Self-Evaluation and Transition Plan Update is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs and facilities that include all of its citizenry.

1.1 Federal Accessibility Requirements

The development of a transition plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which require that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that: No otherwise qualified [disabled] individual in the United States shall, solely by reason of [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act. This legislative mandate, therefore, prohibits the City from, either directly or indirectly through contractual arrangements:

- Denying persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.

1.2 Title II Requirements

The City of Emeryville is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs and services; any parts of Titles IV and V that apply to the City and its programs, services or facilities; and all requirements specified in the Americans with Disabilities Act Access Guidelines of 2004 (ADAAG) that apply to facilities and other physical holdings.

Title II has the broadest impact on the City. A self-evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions.

Included in Title II are administrative requirements for all government entities employing more than fifty (50) people. These administrative requirements are:

- Designation of a person who is responsible for overseeing Title II compliance;

- Development of an ADA complaint procedure;
- Completion of a self-evaluation; and
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. The transition plan must be retained for three years.

1.1.1. ADA Coordinator

In 2005, the Former City Manager designated the City Attorney's Office – Paralegal as the ADA Coordinator. This position is responsible for ensuring that all programs, services and activities of the City of Emeryville are accessible to and usable by individuals with disabilities. The City's ADA Coordinator is:

Dominique B. Burton
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608
dburton@ci.emeryville.ca.us
510.596.4380 (phone) or 711 (TTY Relay)
510.596.3724 (fax)

To request an ADA accommodation or file an ADA grievance, contact the ADA Coordinator and follow the established procedures outlined in Section 1.2.2 pursuant to Administrative Instruction No. 113. (See Appendix A.6)

1.1.2. ADA Accommodation and Grievance

A. Requesting an ADA Accommodation or Barrier Removal

Request for accommodations or barrier removals should be made to the ADA Coordinator, include the name, address and telephone number of the individual requesting the accommodation. (See Appendix D - Request for Accommodation Form) The request should contain the location of the program, service, activity or facility where the accommodation is required and a description of why the accommodation is needed.

Within fifteen (15) calendar days of the written request, the ADA Coordinator will respond to the individual requesting the accommodation. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the individual making the request may file a formal grievance. All requests for accommodations received by the ADA Coordinator will be kept by the City of Emeryville for at least three (3) years.

B. Filing an ADA Grievance

The City of Emeryville has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and state disability rights. This procedure is available for any individual who wishes to file a complaint alleging discrimination on the basis of their disability in the provision of services, activities, facilities and programs by the City.

The availability and use of this grievance procedure via submission of a complaint form does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

I. The Written Complaint

The complaint should contain as much information as possible about the alleged discrimination. The Complainant or his/her representative should file a complaint form with the ADA Coordinator no later than 60 days from the date of the alleged discrimination. The complaint should be in writing however, other arrangements for submitting a request, such as personal interviews, tape recordings and assistance completing the form is available upon request. (See Appendix E – Grievance Form)

The ADA Coordinator will notify the Complainant in writing of any additional information that is needed to complete the complaint. If the Complainant fails to complete the complaint form, the ADA Coordinator shall close the complaint without prejudice.

II. Consideration of Grievance

The ADA Coordinator will oversee the investigation of the complaint. Within thirty (30) days of receipt of the complaint, the ADA Coordinator or his or her designee will respond to the complaint in writing or a reasonable alternative format if requested. The response will explain the position of the City with respect to the complaint and offer options for a reasonable solution.

III. Appeal to the City Manager

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision, within fifteen (15) calendar days after receipt of the response, to the City Manager or an appointed representative.

Within fifteen (15) calendar days after receipt of the appeal, the City Manager, or an appointed representative, will meet with or contact the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager, or an appointed representative, will respond in writing or in a format accessible to the complainant of final resolutions to the complaint. All decisions by the City Manager are final and there will be no right of appeal to the City Council.

All written complaints received by the ADA Coordinator, appeals to the City Manager and responses from the ADA Coordinator and the City Manager, will be kept by the City of Emeryville for at least seven (7) years.

C. Accommodation and Grievance Response

In responding to request(s) for structural improvement brought through the ADA Accommodation and Grievance process, the ADA Coordinator is limited to the funds in established Capital Improvement Projects and other miscellaneous funds. In the event that these allocated funds are insufficient or already spent, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.

1.1.3. ADA Self-Evaluation & Transition Plan

The Self-Evaluation is the City's assessment of its current policies, practices and procedures. It identifies and corrects those policies and practices that are inconsistent with the requirements of Title II of the ADA. In keeping with these requirements and as part of the Self-Evaluation, the City of Emeryville:

- Identified its current programs, activities and services; and
- Reviewed the current policies, practices and procedures that govern the administration of its programs, activities and services.

The ADA also sets forth specific requirements for preparation of an acceptable Transition Plan. At a minimum, the elements of the plan should include:

- A list of the current physical barriers in City facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be used to remove these barriers and meet the current standards and accessibility regulations;
- A schedule for taking the steps necessary to achieve compliance with Title II of the ADA; and
- The name of the individual responsible for the plan's implementation.

This report and certain documents incorporated by reference establish the ADA Self-Evaluation and

Transition Plan Update for the City of Emeryville.

2. DEFINITIONS

As used in this Transition Plan Update, the following terms shall have the meaning ascribed to them in this Section, which are consistent with the provisions of existing federal and state law, including the regulations promulgated there under. Except to the extent expressly stated to the contrary, any term not expressly defined in this Section or elsewhere in this Transition Plan that has an expressly defined meaning in either the ADA or the regulations promulgated there under (“Regulations”) shall have the meaning ascribed to it by the ADA or the Regulations, in that order of preference. All other terms shall be interpreted according to their plain and ordinary meaning.

ADA: “ADA” means and refers to the Americans with Disabilities Act as contained at 42 U.S.C. §12101 et seq.

ADAAG: “ADAAG” means and refers to the Americans with Disabilities Act Access Guidelines of 2004, codified at Appendix A to 28 Code of Federal Regulations Part 36 and at Appendix A to 49 Code of Federal Regulations part 37. “ADAAG Standards” means and refers to physical conditions that meet the new construction and/or alterations standards set forth in the ADAAG guidelines. Note the City of Emeryville subscribes to ADAAG and not the Uniform Federal Accessibility Standards (“UFAS”).

Auxiliary Aids and Services: The term “auxiliary aids and services” includes, qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; and acquisition or modification of equipment or devices; and other similar services and actions.

Compliance Period: “Compliance Period” means and refers to the period of time for which this Transition Plan will be in effect. The Transition Plan shall become effective upon Approval of the City Council and may remain in effect for up to 30 years. The City may dissolve the Transition Plan at any time upon a showing that it is in full compliance or upon a showing that it has met or exceeded the monetary obligations specified in this Transition Plan. Alternatively, the Transition Plan will remain in effect until it dissolves automatically 30 years after Approval of the City Council.

Compliant Curb Ramp: “Compliant Curb Ramp” means and refers to a curb ramp that is constructed to comply with state and/or federal law (whichever provides the higher access standard) in place at the time of construction. In the case of a location where it is Structurally Impracticable or Technically Infeasible to build a fully compliant curb ramp, or where construction of a fully compliant curb ramp would constitute a Fundamental Alteration of a service, program, or activity of the City or an Undue Burden on the City, a curb ramp that complies with access standards, or was constructed to the standards existing at the time of construction, or to the maximum extent feasible, will constitute a Compliant Curb Ramp as long as the requirements set forth in this Transition Plan for justifying the reasons for the City to avoid full compliance are met.

Curb Ramp: “Curb Ramp” is used interchangeably with “curb cut.”

Detectable Warnings: “Detectable Warnings” means and refers to truncated domes which provide a tactile surface at the transition between the curb and the street or other hazardous vehicular crossings, assisting pedestrians with Vision Disabilities in determining when there may be the threat of vehicular traffic.

Disability: “Disability” means, with respect to an individual, a physical or mental impairment that substantially limits or just limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such impairment.

Discrimination on the Basis of Disability: “Discrimination on the Basis of Disability” means to, limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability; limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability; participate in a contract that could subject a qualified citizen with a disability to discrimination; use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability; deny equal benefits because of a disability; fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the City's operations; use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Fundamental Alteration: “Fundamental Alteration” means and refers to an action that, if taken by the City, would result in a fundamental alteration in the nature of the service, program or activity of the City. If the City claims that any action otherwise required by this Transition Plan would constitute a Fundamental Alteration, the City shall have to demonstrate that such alteration would result. The decision that an action would constitute a Fundamental Alteration must be made by the ADA Coordinator and City Engineer, or his or her designee, after considering all funds and alternatives available and must be accompanied by a written statement of the reasons for reaching that conclusion.

Mobility Disability: “Mobility Disability” means and refers, with respect to an individual, to any physical or mental impairment or condition that substantially limits an individual's ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic and neuromotor disabilities and any other impairment or condition that limits an individual's ability to walk, maneuver around objects, ascend or descend steps or slopes and operate controls. An individual with a Mobility Disability may use a wheelchair or motorized scooter for mobility, or may be Semi-Ambulatory.

Pedestrian Rights-of-Way: “Pedestrian Rights-of-Way” (PROW) means and refers to all sidewalks over which the City of Emeryville has responsibility or authority as well as all Curb Ramps and crosswalks serving such sidewalks and any other pathways used by pedestrians along public rights-of-way, including pedestrian pathways through public parking lots.

Physical or Mental Impairments: “Physical or mental impairments” may include, but are not limited to vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; Cancer; Asthma; Hepatitis B; HIV infection/conditions; and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

Record of Impairment: An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

Regarded as Having a Disability: An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exist.

Statutory Defenses: “Statutory Defenses” means and refers to the City’s right to assert under this Transition Plan that removal of any barrier or installation of a Compliant Curb Ramp is not required because such barrier removal or curb ramp installation would be Technically Infeasible, or Structurally Impracticable, or that it would constitute an Undue Burden or Fundamental Alteration.

Structurally Impracticable: “Structurally Impracticable” means and refers to circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features. If it is structurally impracticable to provide full access at any location along pedestrian rights-of-way, the City shall comply with access requirements to the extent that it is not structurally impracticable to do so. (See ADAAG § 4.1.1(5)(a)).

Substantial Limitations of Major Life Activities: An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to others.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. In determining whether a physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered: The nature and severity of the impairment; The duration or expected duration of the impairment; and The permanent or long-term impact (or expected impact) of or resulting from the impairment.

Technically Infeasible: “Technically Infeasible” means, with respect to an alteration of a building, facility or Pedestrian Rights-of-Way, that it has little likelihood of being accomplished because existing physical or site constraints or a lack of public right of way prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. (See ADAAG § 4.1.6(1)(j)).

Third Party Entity: “Third-Party Entity” means an entity other than the City of Emeryville that controls certain barriers or elements of barriers in a Pedestrian Rights-of-Way. Transit agencies and local utilities are examples of Third Party Entities.

Title 24: “Title 24” means and refers to the regulations set forth at Title 24 of the 2007 California Code of Regulations also, known as the 2007 Building Codes.

Undue Burden: “Undue Burden” means and refers to an action that, if taken by the City of Emeryville, would result in an undue financial and administrative burden. In order to demonstrate that removal of a barrier would constitute an Undue Burden, the decision must be made by the ADA Coordinator and City Engineer, or his or her designee, after considering all resources available from various funding sources for removal of barriers and must be accompanied by a written statement of said reasons for reaching that conclusion. In preparing such a statement, the City may consider the usability of the existing facilities.

Qualified Individual with a Disability: “Qualified Individual with a Disability” means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

3. STATE OF CALIFORNIA ACCESSIBILITY REQUIREMENTS

The California Code of Regulations, Title 24, Part 2 mandates that all publicly funded buildings, structures and related facilities shall be accessible to and usable by persons with disabilities. These regulations, which are often referred to as Title 24, pertain to Emeryville's public buildings, parks and facilities that were constructed using state, City, or municipal funds or that are owned, leased, rented, contracted, or sublet by the City. Title 24 regulations and standards were also incorporated in the evaluation of architectural barriers as part of the Transition Plan Update. Where there is a conflict among Title 24 and ADA standards, the provision providing the greatest level of protection for individuals with disabilities shall govern.

4. ADA SELF-EVALUATION AND TRANSITION PLAN UPDATE: REVIEW & DEVELOPMENT PROCESS

The ADA is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living and economic self-sufficiency for people with disabilities.

This update to the City's ADA Self-Evaluation and Transition Plan is prepared in fulfillment of the requirements set forth in Title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This update will assist the City in identifying current policy, program and physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals.

This report describes an overview of the process by which policies, programs and facilities were evaluated for compliance with the ADA; presents the findings of that evaluation; and provides recommendations for ensuring accessibility. This part provides an overview of the process and development of the Self-Evaluation and Transition Plan Update.

4.1 Discrimination and Accessibility

There are two types of accessibility: physical accessibility and program accessibility. Absence of discrimination requires that both types of accessibility be provided. The ADA establishes requirements to ensure that buildings and facilities are accessible to and usable by people with disabilities. Design guidelines to achieve accessibility have been developed and are maintained by the U.S. Access Board under the jurisdiction of the ADA. The ADA Accessibility Guidelines (ADAAG) cover a wide variety of facilities (including buildings, outdoor recreation areas and curb ramps) and establish minimum accessibility requirements for new construction and alterations to these facilities. The City may achieve physical accessibility by ensuring that a facility is barrier-free and meets ADAAG technical requirements and State of California standards, including those found in Title 24. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility.

Programmatic accessibility includes physical accessibility, but also entails all policies, practices and procedures that permit people with disabilities to participate in programs and to access important information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. The City may achieve program accessibility by a number of methods, both structural and nonstructural:

- Structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aides; and/or
- Providing services at alternate accessible sites.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City provides equality of opportunity but does not guarantee equality of results.

4.2 Undue Burden

The City does not have to take any action that it can demonstrate would result in (i) a fundamental alteration in the nature of a program or activity, (ii) would create a hazardous condition for other people, or (iii) would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator and City Engineer, or his or her designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

4.3 Policies, Procedures and Programs

In 2008, the City began a re-evaluation of its policies, programs and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. A survey of department staff provided information on the nature of the program, forms and methods used to advertise each program's services and activities, a profile of current participants, the types of equipment and materials used, testing and entrance requirements, the level of staff training and any special modifications provided. Public announcements were posted on the City website and Fall 2009 City News and Activity Guide to solicit concerns and recommendations from the public regarding accessibility issues. (See Appendix L)

Information provided in the questionnaires, meetings with City staff and input gathered from the public revealed that the City's existing policies, programs and procedures rarely present barriers to accessibility for people with disabilities. It is the intent of the City to address citywide programmatic accessibility barriers by providing policies in the following areas:

- Non-Discrimination on the Basis of Disability;
- Facilities, Programs and Services;
- Public Meetings;
- Communications; and
- Staff Training.

Additionally, when a policy, program or procedure creates an accessibility barrier that is unique to a department or a certain program, the City's ADA Coordinator will coordinate with the department head or program manager to address the matter in the most reasonable and accommodating manner.

4.3.1 Development Process

Services and programs offered by Emeryville to the public must be accessible. Accessibility applies to all aspects of a program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and transportation.

The process of making City facilities and programs accessible to all individuals will be an ongoing one and the City will continue to review accessibility issues such as resolution of complaints and reasonable modifications to programs. The City will also periodically evaluate the success of improving access to programs by the practices and procedures developed during the Self-Evaluation Update process.

The evaluation of the services and programs of the City of Emeryville included the following activities:

- Review and Update of General & Department Policies
- Program Accessibility Questionnaire (Appendix F - Program Survey Form)
- Review of Published Rules and Regulations

4.4 Facilities Transition Plan Update

The City conducted a complete survey of architectural barriers in its buildings and facilities during its original Self-Evaluation and Transition Plan in 1993. A re-evaluation of these facilities and all new facilities was undertaken as part of this current Self-Evaluation and Transition Plan Update. The surveys have provided the City an overview of the architectural barriers that prevent people with disabilities from using its facilities and participating in its programs.

4.4.1 Development Process: Facility Surveys

The survey update process will be accomplished by Building Department staff and the ADA Coordinator equipped with measuring devices, facility diagrams, digital camera and survey forms. (See Appendix B - Facility Survey Form) The surveys identify physical barriers in City facilities based on ADAAG and Title 24 standards.

The elements and their related features addressed in the facility survey include:

Parking Area	Sign
Passenger Loading Zone	Door
Curb Ramp	Corridor or Aisle
Walk	Building Level
Exterior Ramp	Interior Stairway
Exterior Stairway	Elevator
Site Furnishings	Interior Ramp
Swimming Pool	Multiple User Restroom
Game and Sports Area	Single User Restroom
Play Equipment Area	Bathing Facility
Viewing Area	Room
Drinking Fountain	Eating or Dining Area
Telephone	Dressing or Locker Room
Hazard	Picnic Area

4.4.2 Removal of Architectural Barriers

Recognizing that the City has limited funds and cannot immediately make all buildings and facilities fully accessible, City staff will utilize the following criteria as the basis for prioritizing the removal of architectural barriers:

- Quantity and frequency of public use.
- Uniqueness of the facility: Can the programs offered in this facility be shifted to an alternative, accessible location?

- Age or condition of the facility: Age or condition should not be major criteria, but can be factors if the building is scheduled to be vacated or demolished.
- Geographic distribution: Distribution of services throughout the City.
- Critical nature of the programs offered at the facility: Police, Medical Care, etc.

4.5 Sidewalks and Curb Ramps Transition Plan Update

In 1999, the City hired Sally Swanson Associates to perform a review of the City's Curb Ramps for accessibility. This survey information was then used to bring selected ramps into compliance with ADAAG and Title 24 standards. Since, the initial survey the City has had an increase in both residential and commercial development requiring a review of City sidewalks to meet the growing need of our disabled community.

The Transition Plan for Sidewalks and Curb Ramps combines the findings of the review of policies, procedures and design standards regarding sidewalks and curb ramps with the City's ongoing curb ramp inventory. Although the City has already instituted a number of programs to increase pedestrian accessibility via street-related capital improvement projects it will expand these programs where possible in order to meet its overall goals.

The ADA Coordinator with assistance from the Director of Public Works established a plan for correcting such issues based upon a priority system. The plan will be revised as necessary and costs for implementing the plan will be estimated. The plan will be integrated into the CIP with a timeline for implementation and the Director of Public Works and ADA Coordinator will be responsible for overseeing the work.

5. DEPARTMENT, SERVICE and PROGRAM SELF-EVALUATION: FINDINGS AND RECOMMENDED ACTIONS

This self-evaluation is an on-going, dynamic document that will need periodic review and updating. In its continuing efforts to maintain compliance, the City has several mechanisms in place to provide for an ongoing update of the self-evaluation. The City's designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA. Updates and implementation activities will be documented in the City's Transition Plan by summarizing activities and progress.

5.1. City-Wide Programs, Activities and Services: General Recommendations

- 5.1.1. Customer Service** - Policies and practices that insure that individuals with disabilities can participate in the programs, activities and services provided by the City including: procedures for program modifications, fees for modifications.

This section addresses general concerns that apply throughout the City based upon the requirements of Title II and suggest several findings to improve services and accessibility in the City.

Findings: In-person interaction with the public is one of the primary functions of many City departments. The City as a whole and most departments have not established procedures for determining reasonable modifications to achieve program accessibility.

Recommended Actions:

- Make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service. Departments may not charge any additional fees to persons with disabilities for modifying programs.
- Continue to provide accessible facilities such as parking, including van accessible parking, path of travel, entry doors, signage, and transaction counters at the customer service locations. If alternative

locations for providing accessible services are required, provide those services in the most integrated setting, without stigmatizing the user.

- Provide standard equipment at each site where programs are administered to facilitate basic communications access using alternative formats. Equipment may include, but not be limited to, paper and pencil, hearing devices, an enlarging copy machine, and access to TDD/TTY or relay service technology.
- Allow the use of service animals to assist persons in accessing programs, activities and services in City facilities and City offered programs. Since service animals are not always dogs, staff should be aware of the definition of a service animal and the protocol and etiquette for service animals.
- Develop criteria for determining reasonable modifications to provide program accessibility, which may include acquisition or redesign of equipment, assignment of aides to persons with disabilities, and provision of services at alternative accessible site. An approach should include:
 - Requests for reasonable accommodations and modifications should be directed to the ADA Coordinator and department responsible for the program or services. Identify which aspects of the program limit participation and what modification can be made.
 - The department offering the program or service shall document the modification(s) that was offered and the response of the person with the disability to the modification(s) offered. This documentation shall be filed with the ADA Coordinator.
 - If individuals are not satisfied with the results of this process, they should be directed to the City's ADA grievance procedures.

5.1.2. Notices, Outreach and Printed Information - Notices, printed information, televised and audiovisual information, the City and departmental websites, public telephones and communication devices.

A. Notice

Title II regulations require the City to inform the public of the rights and protections provided by the ADA.

Findings: Public notifications regarding City programs, events and registration generally does not include information about available program modifications or non-discrimination language, nor does it always identify a contact person for those persons with disabilities to contact to request modifications.

Recommended Actions:

- Increase outreach to persons with disabilities by informing the public of the possible modifications available to provide full participations to all. (Appendix G: ADA Public Notice shall be placed in all City facilities and near auxiliary aids at public meetings.)
- Include the following notice (or a similar notice) regarding the City's commitment to providing accessible services in all City publications regarding City services, programs, or activities.

All documents are available in alternative formats, on request.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid or service to participate in this program should contact the sponsoring department or ADA Coordinator, Dominique B. Burton 510.596-4380, TTY Relay 711, or dburton@ci.emeryville.ca.us as far in advance as possible, but no later than 72 hours before the scheduled event. The best effort to fulfill the request will be made.

- The following non-discrimination language should appear on hard copies and web based City publications that provide general information about City services, programs, or activities and advertisements for employment, commission and board membership openings.

POLICY ON NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The City of Emeryville does not discriminate on the basis of disability in the admission or access to its programs or activities.

ADA Coordinator, Dominique B. Burton has been designated to coordinate compliance with the non-discrimination requirements contained in the Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act (42 U.S.C. §12101 et seq.), which prohibits discrimination on the basis of disability by public agencies. The ADA Coordinator can be contacted at 510.596-4380, TTY Relay 711, or dburton@ci.emeryville.ca.us.

- List City agencies, departments, and specialized services that offer TTY/TDD in printed City directories and include the following statement:

The City of Emeryville offers Text Telephone (TTY) services for persons with hearing or speech impairments at 510- _____ - _____ or via TTY relay at 711.

B. Printed Information

In order to meet the ADA's communication standards, City departments must be able to provide information, when requested, in alternative formats such as using easy-to-understand language, Braille, large print format, audiotape, computer disk, or other formats.

Findings: Most departments produce written materials available to the public, However, many departments still are not providing information about obtaining printed materials in alternative formats.

Recommended Actions:

- Provide information to staff on how to handle productions of materials in alternative formats and ensure that request are handled in a uniform and consistent manner.
- Publicize the City's commitment to provide program information in alternative formats on an individual basis as requested.
- Include the following notice or similar language on all materials printed by the City that are made available to the public:

This publication can be made available in alternative formats, such as Braille, large print, audiotape, or computer disk. Requests can be made via the ADA Coordinator, Dominique B. Burton 510.596-4380, TTY Relay 711, or dburton@ci.emeryville.ca.us. Please allow 72 hours for your request to be processed.

- Provide any City produced documentation in a variety of formats upon request. Provide staff assistance, upon request to assist in filling out forms or when alternative formats are unavailable or infeasible.

C. General Publicity and Advertisements for City Programs, Services and Activities

Public notifications regarding meetings, conferences, and other events must include information regarding

reasonable accommodation request which extends beyond auxiliary aids to physical accessibility of meeting locations.

Findings: Many departments assume facilities within the City are accessible and simply consider reasonable accommodations as to auxiliary aids rather than, conducting a site review for physical accessibility.

Recommended Action:

- Publicize efforts and take necessary steps to improve communications and outreach to increase effective participation of community members with disabilities by informing of alternative formats, completing a site review (See Appendix H) to gauge accessibility of meeting facilities and acquiring alternative locations, when necessary.

D. City of Emeryville Website

The web is a key tool for communicating with community members. It is imperative that all documents found on the City's website are downloadable and provide a screen reader for persons with hearing and cognitive disabilities.

Findings: The City's website was upgraded in 2009 to provide for the accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 which, set forth the technical and functional performance criteria necessary for such technology to be accessible however, in reviewing a sampling of the available pages the screen reader application was unable to determine all available text.

Recommended Actions:

- IT department needs to complete review of City website as requested by the ADA Coordinator in 2008 and complete Appendix F.2.
- Ensure that website pages created independently by City Departments conform to accessibility standards.
- Ensure City staff members are creating and attaching accessible PDF and other electronic files for posting on City website.

E. Televised Public Information

The majority of City Council Chamber meetings are publicly broadcasted on the City's local channel. This means of communicating City information and programming to the public can be particularly effective in reaching persons who may be prevented from attending City meetings.

Findings: The City's local television channel does not provide closed captioning.

Recommended Actions:

- Use closed captioning or other alternatives to audio presentations for televised Council meetings in order to ensure that persons with hearing impairments can benefit from these presentations. [28 C.F.R. §§ 35.104, 35.160, 35.161.]
- For persons who are blind or have low vision, detailed audio description should be added to describe important visual images.

ADA Coordinator's Note: At this time, the cost of offering closed captioning services and detailed audio for all programming would create an undue financial and administrative

burden on the City. The City is committed to providing equally effective communication for individuals with hearing and vision impairments and will offer auxiliary aids and services for television programming via reasonable accommodations upon request.

- Publicize efforts to improve communications and outreach to increase effective participation of community members with disabilities by informing of alternative formats and reasonable accommodations upon request.

F. Public Telephones and Communication Devices

Findings: The City does not have a main telephone number for use with a City TDD/TTY (telephone communication device for persons with hearing and/or speech impairments). There are no TDD or TTY devices installed in the City of Emeryville.

Recommended Actions:

- Request the installation of a TDD/TTY device at City Hall and Emeryville Police Station with published numbers on all publications to improve services. Employees will receive instructions on usage.
- Instruct all employees on proper use of the California Relay Service (CRS) via calling 711.

5.1.3 Training and Staffing - The current level of experience and training of City staff with policies and procedures regarding providing services to individuals with disabilities.

Findings: In general, many staff members may not be knowledgeable about the different types of reasonable modifications that would make their services accessible. Few programs reported having made adaptations to their programs regarding accessibility. Thus City staff has very little experience with policies and procedures regarding providing services to persons with disabilities. Therefore, City departments need accessibility training. Different types of training are necessary depending on the type of work and the amount of public contact involved with a specific position. Although some staff members have been trained in how to communicate via telephone with individuals with hearing disabilities, City wide accessibility procedures have not yet been developed and sufficient numbers of staff members have not yet been trained in areas such as:

- Standardized, appropriate procedures for making programmatic accommodations;
- How to acquire or use assistive devices; and
- General evacuation procedures for buildings.

Recommended Actions:

- Provide all City staff members with on-going awareness and sensitivity training. Include persons with disabilities as trainers.
- Provide training to City staff members who have contact with the public about how to provide modifications and use assistive devices to make their programs, activities and services accessible. Ensure that customer service training includes information about communicating with and providing modifications for persons with a variety of disabilities. Include program-specific adaptations, assistive devices, and modifications in each department's accessibility policy manual. (See Appendix A – Staff Toolkit)

- Develop a comprehensive disability access training program. Educate all City staff about their responsibilities under the ADA. The City's ADA Coordinator and Human Resource Director should be responsible for ensuring that staff members receive training. Reference materials that address special modifications should be included in this training.

ADA Coordinator's Note: A PowerPoint presentation was prepared by the ADA Coordinator in 2009. Training sessions are projected to begin in August, 2012.

- Depending on operational needs, consider offering training to employees who wish to learn basic American Sign Language (ASL) communication skills. This training should emphasize basic communication skills and should not be viewed as a substitute for employing qualified ASL interpreters when requested.
- Train staff with respect to accessibility compliance and building codes to achieve and maintain accessibility. (See Appendix C)
- Provide City staff members with training in general building evacuation procedures for assisting persons with hearing, speech, visual, mobility, and learning disabilities in an emergency.

5.1.4 Public Meetings

Many City departments are responsible for planning and conducting public meetings.

Findings: Generally, public meetings are held in locations that are accessible to persons with mobility impairments. However, most City departments indicated that they need training on how to respond to requests for other modifications. Generally, staff is not knowledgeable about how to access assistive listening systems.

Recommended Actions:

- Schedule public meetings at accessible locations. An accessible location includes, but is not limited to, the following: wheelchair accessible path-of-travel to the meeting room, accessible restrooms, accessible parking, an accessible route from transit and parking to the meeting facility, temperature control, signage, and the ability to provide access to fresh air for persons with chemical sensitivities.
- When a fully accessible site is not available, then make reasonable modification so that an individual with a disability can participate. These modifications may include phone-in participation, video recording, and meeting transcripts.
- Make information available to City staff on the types of modification requests that may be made by persons with different types of disabilities. Provide information about auxiliary aids such as different types of assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like "real-time captioning." Provide guidance in the layout of the room, sign-in table and refreshments table, to insure that these features are accessible.

ADA Coordinator's Note: When practical and as required, meetings conducted in other facilities within the City where auxiliary hearing devices are needed may be relocated to the City Council Chamber in order to use devices with direct link to microphone system. (See Appendix A.5: Instructions for Chamber's Audiovisual Equipment)

- Display a notice on meeting agendas indicating the availability of accessibility modifications.

- Provide agendas and other meeting materials in alternative formats, when requested.
- Consider assigning a staff member to be a greeter at public meetings and events. Identify the staff member as a resource for persons who may require assistance.
- Provide flexibility in the time limit on speaking for individuals with communication difficulties.
- Provide assistive listening devices at public meetings, when requested.
- Maintain a list of on-call American Sign Language interpreters who may be brought to meetings to assist individuals with hearing impairments. (see Appendix A.4)
- Maintain a checklist for creating accessible meetings and selecting accessible meeting spaces, and make the list available to all City departments and programs. (see Appendix H)

5.2. Department & Program Self-Evaluation Survey

Programs, activities and services offered by the City of Emeryville to the public must be accessible. Accessibility applies to all aspects of the program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

This section details the review of current City wide policies, services, programs, and activities based on City staff response to the program accessibility questionnaires collected during the self-evaluation process as reported by the following departments and divisions:

- City Attorney’s Office
- ~~City Clerk’s Office¹~~
- City Manager’s Office
- Community Services
 - ~~Child Development Center~~
- Community Services (cont’d)
 - Recreation Center
 - Senior Center
- Economic Development & Housing
- Emeryville Fire Department
- Emeryville Police Department
- Finance
- Planning & Building
- Human Resources
- Public Works
 - Maintenance Division

Access Element	0. Don’t Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
A. General Requirements.					
1. Has the City designated an employee to coordinate efforts to comply with and carry out responsibilities under ADA?	2		1	11	
2. Do you know who the City’s designated ADA Coordinator is?	2		1	11	If yes, name person: <ul style="list-style-type: none"> • Dominique B. Burton • Human Resource Director as to Employment Issues.

¹ Departments/Divisions that are redlined failed to complete the requested survey information.

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
3. Have you posted and noticed the name and address of the ADA Coordinator?	2	5	4	3	If yes, where: <ul style="list-style-type: none"> • City Hall • Public Meeting Board - Sr. Center
4. Are you aware of the City's complaint procedures and process for requesting auxiliary aids?	3	3	2	7	
5. Has the City taken steps to ensure that all employees and consumers been instructed and notified regarding their rights under ADA?	4	5	2	3	<ul style="list-style-type: none"> • We try our best but need to work harder and continue to communicate
6. Has the City provided information to the public, in an accessible format, explaining its policy to provide accessible policies, programs, services or activities and practices?	6	2	1	5	<ul style="list-style-type: none"> • City Hall - Front Desk
7. Have you ensured that written and/or audio-visual materials portray person with disabilities in an appropriate manner?	1	3	5	5	
8. Do you feel your department would benefit from training on the requirements of the ADA and/or relating to people with all types of disabilities?	1	1	4	8	<ul style="list-style-type: none"> • Work with Street Crew to limit the creation of barriers in the PWOW.
B. Policy Requirements.					
9. Do your department's policies ensure that persons with mobility and/or sensory disabilities are provided auxiliary aids or accommodations to fully participate in programs, services and activities?	4	1	4	5	<ul style="list-style-type: none"> • Finance doesn't have a separate dept. policy. • Recreation: Only Aquatics program provides such aids.
10. Do your department's publications, service announcements and advertisements make known that they area available in alternative formats (e.g. large print, audio, Braille, captioned)?	2	9	2	1	<ul style="list-style-type: none"> • Sometimes.
C. Communication Requirements.					
11. Has your department reviewed its policies to ensure that its communications with persons with disabilities are as effective as its communications with others?	4	4	2	3	<ul style="list-style-type: none"> • Somewhat.
12. Does your department conduct business or provide services or information by telephone to the public?	1	1		12	
13. If YES to Question 12, is a telecommunication device for deaf (TDD) or other equally effective system available to facilitate communications with hearing and/or speech impaired persons?	7	5	2		

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements		
14. If NO to Question 12, list steps to ensure effective communications with deaf, hearing and/or speech impaired individuals. This can include providing a TDD or third party rely service.	3		1		<ul style="list-style-type: none"> Tech Equipment not available at front desk. Circulate AI 113 & coordinate with ADA Coordinator. 		
15. Does your department provide captioning of the verbal content on public television (i.e. E-TV) service announcements that it produces?	5	3	2	2	If yes, state location, number and if they are operable: <ul style="list-style-type: none"> 		
For Emeryville Fire & Police Department (Departments which provide 911 emergency services): 16. Does your department ensure direct access to persons who use telecommunication devices for the deaf (TDDs) and computer modems?	1			2	<ul style="list-style-type: none"> Via Oakland Fire Dispatch 		
17. If YES to Question 15, are all 911 emergency response services equipped with a TDD or other equally effective technology to make the service accessible to persons who are deaf, hearing and/or speech impaired?	1			2	<ul style="list-style-type: none"> Via Oakland Fire Dispatch 		
D. Auxiliary Aids & Services.							
18. Does your department provide provisions or assist the public by informing of auxiliary aids or services that are available through the ADA Coordinator (i.e. hearing devices, Braille, large print, qualified readers or interpreters and captioned video programs)?	2	5	2	5	<ul style="list-style-type: none"> All depts must post ADA Notice and be aware aids are available. 		
19. Are assistive listening devices available for individuals with hearing impairments at your site?	1	4	3	6	If yes, state location, number fixed or portable and if they are operable: <ul style="list-style-type: none"> Listening Device @ Sr. Center Council Chambers 		
20. Have you reviewed your website for accessibility for vision-impaired persons?	1	10	3		If yes, when: <ul style="list-style-type: none"> Not responsible for website New website in progress 		
E. Facility Checklist: Not Required for Departments within City Hall however, feel free to share comments/suggestions.							
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <input type="checkbox"/> City Hall, 1333 Park Ave. <input type="checkbox"/> Child Development Center, 1220 53rd St. <input type="checkbox"/> EFD- Station #1, 2333 Powell St. <input type="checkbox"/> EFD- Station #2, 6303 Hollis St. </td> <td style="width: 50%; border: none;"> <input type="checkbox"/> EPD, 2449 Powell St. <input type="checkbox"/> Senior Center, 4321 Salem St. <input type="checkbox"/> Recreation Center, 4300 San Pablo Ave. <input type="checkbox"/> PW Corp Yard, 5679 Horton St. </td> </tr> </table>						<input type="checkbox"/> City Hall, 1333 Park Ave. <input type="checkbox"/> Child Development Center, 1220 53rd St. <input type="checkbox"/> EFD- Station #1, 2333 Powell St. <input type="checkbox"/> EFD- Station #2, 6303 Hollis St.	<input type="checkbox"/> EPD, 2449 Powell St. <input type="checkbox"/> Senior Center, 4321 Salem St. <input type="checkbox"/> Recreation Center, 4300 San Pablo Ave. <input type="checkbox"/> PW Corp Yard, 5679 Horton St.
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21. Do you already have an Accessibility Survey or report for your site?	4	1	3	1	If yes, please attach to the survey. <ul style="list-style-type: none"> City Hall - Front Desk 		
22. Are grievance procedures or complaint procedures noticed and posted at your site?	1	5	1	2	If yes, where: <ul style="list-style-type: none"> Not posted but copies are available for public Staff Lounge 		

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
23. Do you have emergency evacuation plans posted at your site?		3	2	4	If yes, where: <ul style="list-style-type: none"> • Hallway • Not posted but in a binder • Front Office of Corp Yard • All program spaces @ Rec
24. Are individuals with disabilities included in or have an opportunity to participate in all programs, activities and services provided by your site?		2		7	<ul style="list-style-type: none"> • Aquatics & Sports
25. Are individuals with disabilities served or located in segregated areas of your facility?		7	2		<ul style="list-style-type: none"> • Served and not segregated.
26. Do you require persons with disabilities to receive or participate in services at an alternate location?		7	2		If yes, describe:
27. Do you provide transportation for your programs, services, or activities?	1	3	2	3	If yes, describe transportation and its accessibility: <ul style="list-style-type: none"> • 22 accessible bus pads & 8 To Go Para-Transit services. • Passenger Van for Furlough Crew
28. Do you follow a specific procedure or policy for use of the facility by organizations or members of the public?		3	2	4	If yes, describe: <ul style="list-style-type: none"> • Facility Rental Handbook
29. Do you offer programs at your site that are not offered at other sites in the City?		2	1	6	If yes, describe: <ul style="list-style-type: none"> • EPD Citizens Academy • EFD CERT Training • Sr. trips & events • Sr. Bus Trips
30. Have you made accommodations for individuals with disabilities (employees, members of the public, etc)?		4	2	4	If yes, describe: <ul style="list-style-type: none"> • Common Areas - Accessible
31. Do you have a statement of accommodations in your literature or on public notices?	2	2	2	3	<ul style="list-style-type: none"> • Civic Center – Front Desk
32. Do you have any programs offered or located at a different site?	2	2	2	3	If yes, describe facilities: <ul style="list-style-type: none"> • Blood Pressure @ Sr. Center • Gym & Pool
33. Do you have any employees with disabilities at your site (if known):	4	2	2	1	
34. Are you aware of any community members or recipients of services with disabilities who utilize your site?	1	3	1	5	<ul style="list-style-type: none"> • Some training
35. Have you provided training or information to your staff regarding the requirements of the Americans with Disabilities Act?	2	3	1	3	If yes, describe: <ul style="list-style-type: none"> • Nature of public service requires ADA awareness & requirements.
36. Would you like additional training regarding the Americans with Disabilities Act?			4	5	If yes, describe: <ul style="list-style-type: none"> • Overview/Refresher Course • Compliance Training
37. Have you received any awards or special recognitions regarding programs or services for individuals with disabilities?	1	4	5		If yes, describe:

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
38. Do you have any construction or remodeling projects currently underway or planned within the next three years?	2	1	3	4	If yes, describe: <ul style="list-style-type: none"> • Public Transit Center • Doyle St. Park • Upgrades to EPD Station • Upgrades to Corp Yard
39. Do you have any volunteers?		3	2	4	<ul style="list-style-type: none"> • Community Srvs. Dept. • Work Furlough Crew • Recreation Center
40. If you have volunteers, have they received training on providing services or activities for individuals with disabilities?	1	3	4		<ul style="list-style-type: none"> • Community Srvs. Dept. volunteers need training
41. Do you have access to current City policies, procedures, or practices?				9	
42. Are there any issues or information with regard to persons with disabilities or accessibility that would be helpful to your facility?		2	4	2	<ul style="list-style-type: none"> • Updates on State & Federal Regulations.

5.2.1. Department & Program: Survey Summaries

The findings and recommendations contained in this section will serve as a basis for the implementation of specific improvements for providing access to City programs. All departments, divisions and programs will utilize these recommendations to facilitate the participation of persons with disabilities in programs, activities and services.

All staff members shall review and implement findings in Section 5.1 City-Wide Programs, Activities and Services: General Recommendations as well as the following department specific recommendations.

A. City Attorney’s Office

- The City Attorney is in the process of updating contract and agreement templates to ensure that all recipients of funds from the City comply with the State and Federal Accessibility requirements or guidelines.

Include the following notice (or a similar notice) regarding the City’s commitment in service contracts:

Discrimination Prohibited

The Consultant covenants and agrees that in performing the services required under this Agreement, the Consultant shall not discriminate against any person on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, pregnancy or ancestry, age or disability.

Include the following notice (or a similar notice) regarding the City’s commitment in public improvement agreements and conditions of approval:

PUBLIC IMPROVEMENTS

Street Improvements. The Applicant shall be responsible to construct or reconstruct all sidewalks, curbs, gutters, driveways, curb cuts and street tree grates along the project frontage to conform to City of Emeryville Standards, the City of Emeryville Urban Forestry Ordinance, the Americans with Disabilities Act and California accessibility

regulations. Where there is a conflict among the above-mentioned standards, the provision providing the greatest level of protection for individuals with disabilities shall govern. Prior to the issuance of a building permit, the Public Works Director and ADA Coordinator shall confirm that detailed improvement plans and specifications have been prepared for said public improvements. **[Public Works & ADA Coordinator]**

ADA Coordinator's Note: In May, 2009 similar language was added to the Public Improvement Agreement Template.

- A TDD line will be installed in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department will receive instructions on usage.

B. City Clerk's Office

- The City Clerk's Office should ensure that all accessible doors are in operation prior to evening meetings such as City Council and Planning Commission meetings.
- A TDD line will be installed in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department will receive instructions on usage.
- Post ADA notice near Deputy City Clerk's desk. (See Appendix G)
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)
- Provide centrally located key to audiovisual room in order to allow staff to use Council Chamber's Auxiliary Aids after hours.

C. City Manager's Office

- Department staff was made aware that auxiliary hearing devices are available through the ADA Coordinator and in the City Clerk/CAO area to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters are available upon request through the uniform process to request access barrier removal or auxiliary aids. (See Appendix D)
- Post ADA notice at entrance and all public meetings. (See Appendix G)
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)

D. Community Services

- Department staff was made aware that auxiliary hearing devices are available through the ADA Coordinator, Recreation and Senior Center to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters are available upon request through the uniform process to request access barrier removal or auxiliary aids. (See Appendix D)
- Post ADA notice at entrance and all public meetings. (See Appendix G)
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)

- Special Events: In situations where either private or public organizations, including City – sponsored events are held in City facilities, the City will require compliance with applicable ADA requirements. The City will provide a checklist and information during the application process to inform organizers of their responsibility for accessibility under the ADA. (See Appendix I)
 - Submit Facility Rental Handbook to ADA Coordinator for review.
- A TTY relay service will be referenced with a published number on all publications to improve services for those with hearing disabilities. A member of this department will receive instructions on usage.
- Tours and Trips:
 - Ensure that tours are provided in a manner that allows people with mobility, visual, speech, hearing and cognitive disabilities to fully participate.
 - Evaluate the destination of the tour or trip in order to determine the level of accessibility and any accommodations or modifications that may be required.
 - If a tour route or a portion of a route is not accessible, the tour will be rerouted or the department providing the tour will determine an alternate accommodation (e.g. photographs, close-captioned videos, etc.) that will allow the tour to be experienced.
 - Provide information to participants in advance of a tour or trip regarding the destination, transportation, and other characteristics of the event so that informed requests for accommodations can be made.
 - Ensure that when transportation is provided for City services and programs that accessible vehicles are available, upon advance request.

I. Child Development Center

- Specialized training with regard to caring for children with disabilities should be offered to all supervisors and managers. All staff should review the toolkit and pay particular attention to the handout addressing ADA concerns for child care providers. (See Appendix A.3)

II. Recreation Center

- Specialized training with regard to caring for children with disabilities should be offered to all supervisors and managers. All staff should review the toolkit and pay particular attention to the handout addressing ADA concerns for child care providers. (See Appendix A.3)

III. Senior Center

- Institute check-out procedures to ensure auxiliary hearing devices are returned to the office.

ADA Coordinator's Note: Two new hearing units should be provided immediately to replace missing units.

E. Economic Development & Housing

- Department staff was made aware that auxiliary hearing devices are available through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters are available upon request through the uniform process to request access barrier removal or auxiliary aids. (See Appendix D)
- Post ADA notice at all public meetings. (See Appendix G)

- A TDD line will be installed in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department will receive instructions on usage.
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)

F. Emeryville Fire Department

- Department staff was made aware that auxiliary hearing devices are available through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters are available upon request through the uniform process to request access barrier removal or auxiliary aids. (See Appendix D)
- Post ADA notice at entrance or front desk area at each station. (See Appendix G)
- Review department policies for compliance with ADA.
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)
- Training will be offered to all on an on-going basis with regard to persons with disabilities. A staff toolkit has been prepared which includes an Emergency Services Pocket Guide regarding effective communications with persons with disabilities, emergency transport services and on-call interpreters. (See Appendix A)

ADA Coordinator's Note: Copies of the Emergency Services Pocket Guide were provided to the Fire Chief in July, 2010 for distribution throughout the department.

G. Emeryville Police Department

- A TDD line will be installed at Emeryville Police Station with a published number on all publications to improve services for those with hearing disabilities. Dispatchers will receive instructions on usage.
- Review department policies for compliance with ADA.
- Create provider list of third party services or neighboring agencies that would be available to transport arrestees using mobility devices and service animals to proper facilities.
- Department staff was made aware that auxiliary hearing devices are available through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters are available upon request through the uniform process to request access barrier removal or auxiliary aids. (See Appendix D)
ADA Coordinator's Note: One hearing unit was procured in 2010 and placed in the dispatch/reception area of the Police Department. Staff is instructed to institute check-out procedures to ensure device is returned.
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)
- Training will be offered to all Officers and PST's on an on-going basis with regard to persons with disabilities. A staff toolkit has been prepared which, includes an Emergency Services Pocket Guide

regarding effective communications with persons with disabilities, emergency transport services and on-call interpreters. (See Appendix A)

- In addition, EPD Officers must watch the DOJ's eight part series intended for roll call training titled "Police Response to People with Disabilities."

ADA Coordinator's Note: Copies of the Emergency Services Pocket Guide and DOJ training video were provided to Command staff in July, 2010 for distribution throughout the department.

- Post ADA notice at the Dispatch/Reception Desk and at all public meetings. (See Appendix G)

H. Finance

- Department staff was made aware that auxiliary hearing devices are available through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters are available upon request through the uniform process to request access barrier removal or auxiliary aids. (See Appendix D)
- A TDD line will be installed in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department will receive instructions on usage.
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)

I. Planning & Building

- Department staff was made aware that auxiliary hearing devices are available through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters are available upon request through the uniform process to request access barrier removal or auxiliary aids. (See Appendix D)
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)
- Staff is instructed to review Reasonable Accommodations: Fair Housing Amendments Act (FHA) & Fair Employment & Housing Act (FEHA) Forms. (See Appendix J)
- Senate Bill 1608 requires that one staff member be Certified as an Accessibility Specialist (CASp) as of July 1, 2010.

ADA Coordinator's Note: The ADA Coordinator will attend training and take the CASp exam in 2012. The Building Department has retained the services of a CASp certified consultant, at this time.

J. Human Resources

- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form. (See Appendix D & E)
- Suggest staff complete Employment Checklist submitted to the Department in 2008. (See Appendix F.1)

K. Public Works

- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint

Form. (See Appendix D & E)

- Staff is instructed to review Appendix B & C and become familiar with ADAAG requirements.
- Staff is instructed to review Appendix K, Appendix L and note ADA Coordinators findings in Sections 6.0 & 7.0 Facility and Street Self-Evaluations, below.
- Staff is instructed to institute procedures to document facility and public right-of-way corrections. Documentation at a minimum shall include the dates when items were inspected and determined to be properly corrected, identify project associated with such corrections, encroachment permit number, building permit number and/or identify Capital Improvement Project.
- Staff is instructed to institute street closure procedures (see Appendix A.2) within the City and provide as a condition of PROW projects.

I. Maintenance Division

- Post ADA notice at entrance and other areas open to the public at the Corporations Yard. (See Appendix G)
- Street Crew managers/supervisors will receive specialized training with regard to the creation of barriers within the public right-of-way and liability concerns with regard to proper signage. Staff is instructed to review Public Works: Street Closure Procedures (See Appendix A.2)

ADA Coordinator's Note: A PowerPoint presentation was prepared by the ADA Coordinator in 2009. Training sessions are projected to begin in August, 2012.

- Supervising staff must inform Work Furlough crews regarding safety and accessibility concerns when performing task within the City.

6. FACILITY SELF-EVALUATION: FINDINGS AND RECOMMENDED ACTIONS

Information collected during the self-evaluation process was reported by the ADA Coordinator with the assistance of the Facilities Analysis and Life Cycle Costing report prepared by ZGPD, Inc. for the Public Works Department and Building Department staff detailing each item found to be in noncompliance with ADAAG of 2004 and 2007 Title 24 standards. The criteria listed below were used to determine the priorities for addressing specific barriers in each building, facility and park.

Priority One: The highest priority is placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place (for example, parking, walks, ramps, stairs, doors and corridors).

Priority Two: A second level priority is placed on those barrier removal items that improve or enhance access to program use areas (for example, meeting rooms, public offices and restrooms).

Priority Three: A third level priority is placed on those barrier removal items that improve access to amenities serving program areas (for example, drinking fountains, telephones, site furnishings and vending machines).

It is the intent of the City to address those items listed as Priority One and Two within a time frame of one to seven years depending on immediate necessity, degree of complexity and overall cost. In general, Priority

Three items do not inhibit a person's ability to access or participate in a City program or event. Therefore, the City intends to address these items through routine maintenance, a building/facility remodel or improvement, or upon a request from a program manager or department head that a modification is necessary.

The City of Emeryville reserves the right to change the barrier removal priorities on an ongoing basis in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities and changes in City programs. It is the intent of the City to have its ADA Coordinator work together with department heads and budget staff to determine the funding sources for architectural barrier removal projects. Once funding is identified, the ADA Coordinator and Facilities Management will coordinate the placement of the projects in the City's Capital Improvement Plan to be addressed on a fiscal year basis. Facilities Management will be responsible for keeping records of all corrections made and providing the ADA Coordinator with a written record memorializing the date, consultants who performed the work and the scope of these corrections.

6.1. Facilities

ADA Coordinator's Note: The following citations reference the 2004 ADAAG and 2007 Title 24 provisions however since, this compilation of this information both regulations have been updated. See Addendum #2 for table comparing citation between 2004 ADAAG and 2010 ADA Standards.

City Hall, 1333 Park Avenue



This complex consists of two buildings, connected by a 2-level bridge ways. Together they house the City of Emeryville's main seat of governance. The Old Town Hall was originally constructed in 1903. The Civic Center was constructed in 1998; the Old Town Hall was renovated concurrently. The bridge way is structurally tied into the Civic Center building. Overall, they are both in good condition.

EXTERIOR

Access: There are nine points of ingress and/or egress to and from the Civic Center.

Location: North side (front of Civic Center)

Findings: This is a 59-foot ramp. Per California Building Code this ramp should have a 5 foot flat landing after 30 feet of ramp, but does not.

Citation: CBC 1133.B.5

Recommendations: In order to comply, the ramp should be redesigned and reconstructed.

Priority: Three



Location: Park Ave Entrance

Findings: Pedestrian Ramp: At top of the ramp ventilation/grating elongated opening shall be placed so long dimension is perpendicular to the dominant direction of travel.

Citation: ADAAG 4.5.4

Recommendations: Turn grate 90 degrees.



Priority: Two

Location: Park Ave Entrance through Link Doors

Findings: This is a 47-foot ramp. Per California Building Code this ramp should have a 5 foot flat landing after 30 feet of ramp, but does not. Also, missing a 6 ft landing at bottom in front of doors.

Citation: CBC 1133.B.5

Recommendations: Insert a landing midway on the ramp and at bottom.



Priority: Two

Location: Rear Parking Lot.

Findings: 6-foot landing required at the end of the ramp. Currently, the City does not comply with code for this landing.

Citation: ADAAG 4.8.4(2) & CBC 1133.B.5

Recommendation: Remove bollards and create landing.



Priority: Two

Location: Rear Parking Lot – Near 40th St

Findings: Truncated domes required along passageway between parking area.

Citation: ADAAG 4.29.5

Recommendations: Alternatively, the existing poles may be linked together by a chain creating a separation element from vehicles which would limit requirement for truncated domes.



Priority: Three

Location: Rear Parking Lot – Near 40th St

Findings: Parallel parking signs near Bessler Bldg need to be replaced with 80 inch (hereinafter,") poles.

Citation: CBC 1129B.4

Recommendations: Poles placed within the path of travel need to be a min. 80" from finished grade.



Priority: Three

Location: Rear Parking Lot – Near 40th St

Findings: Pedestrian area facing pedestrian ramp located at the end of the parking lot (near corner of 40th & Haven) is too steep.

Citation: ADAAG 4.29.5

Recommendations: Area requires either repaving or installing hand rails.



Priority: Three

Location: Rear Parking Lot – Near 40th St

Findings: All accessible parking signs are not in compliance with ADA.

Citation: CBC 1129B.4

Recommendations: Two of the signs include disparaging remark of “Handicapped” and all four are not 80” from ground. Please remove and replace such signs with international symbol. Signs may be posted on wall at min. 36” and must include min. fine and sign regarding unauthorized use of spaces.



Priority: Three

Location: Rear Parking Lot – Near 40th St

Findings: Need van accessible parking space.

Citation: ADAAG 4.6

Recommendations: Second space needs to be Van Accessible. Add such signage. Increase loading zone to 98”.

Priority: Two



Location: Rear Parking Lot – Near 40th St

Findings: Parking spaces (near Bessler Bldg) have a built-up ramp which, needs to be removed and replaced with a curb ramp.

Citation: ADA 4.7

Recommendations: Remove built-up and replace with proper curb ramp which doesn’t encroach into loading zone.

Priority: Two



Location: Rear Parking Lot – Near 40th St

Findings: All accessible parking loading zones need no parking in hatched areas.

Citation: CBC 1129B.4

Recommendations: Add “NO PARKING” in 12” letters & blue border around aisle. Remove first two posts nearest this parking spot to allow proper passage area.

Priority: Three



Location: From parking lot to courtyard and waterfall.

Findings: This ramp has lifted at the landing.

Citation:

Recommendations: Remove and replace portion of ramp and walkway.

Priority: Two



INTERIOR

Location: Reception Area

Findings: Counter is above 34”

Citation: ADAAG 4.32.2

Recommendations: Staff must be directed to make space to serve customers at lowered counter connected to Planning area.

Priority: Three



Location: Finance - Permit Counter

Findings: Counter is 34.5”.

Citation: ADAAG 4.32.2

Recommendations: Structural change required. Counter space allowed to be 28-34” in height. Staff must be directed to make space to serve customers by keeping area clear at lowered counter.

Priority: Two



Location: 1st & 2nd Floor Near Restrooms

Findings: Hi-Lo designed fountains are in path of travel and do not provide notice to persons with sight impairments.

Citation: CBC 1117.B.1.3

Recommendations: Because these fountains are in the path of travel, rather than a standalone alcove, they must be fitted with wing walls on each side of the fountain. However, to do so would block access into the public restrooms. ADA Coordinator has looked into alternative designs to provide notice to persons with sight impairments using detection canes. Should an alternative not be found, these fountains must be removed.

Priority: Two



The pushbutton on the 2nd floor drinking fountain requires excessive pressure to activate bubbler. Adjust pressure to less than 5 lbs to activate per CBC 1139A.2.4.

Location: Old Town Hall - 1st floor link

Findings: First Floor link doors and fire door do not provide clear unobstructed opening width of 32". The interior doors leading to the breezeway are propped open.

Citation: ADAAG 4.13.5

Recommendations: Structural change required. Remove and replace existing door hardware for Fire door. Link door hinge should be changed to match second floor which will allow door to sit flush with window.



These are fire doors and as such, should be closed at all times unless in use. As fire doors, they should have a maximum door opening force of 15 lbf (per CBC 1133B.2.5). Because these doors are used for access to/from the Old Town Hall, automatic controls should be provided.

Priority: Two

Location: Old Town Hall - 2nd floor link

Findings: The doors from the Council Chambers on the 2nd floor to the bridge way do not meet Title 24. They are 28-inches wide. CBC 1133B.2.2 states: Every required exit doorway shall be not less than 3 feet in width....” Understanding that this is an historic structure, at least one doorway needs to be accessible in the event that a wheelchair-bound individual needed egress during a fire. This door widening should be designed and constructed in FY 2012-2013.

Citation: ADAAG 4.13.5 & CBC 1133B.2.2

These are fire doors and as such, should be closed at all times unless in use. As fire doors, they should have a maximum door opening force of 15 lbf (per CBC 1133B.2.5). Because these doors are used for access to/from the Old Town Hall, automatic controls should be provided.



Priority: One

Location: Old Town Hall - Basement

Findings: Glass doors between link and kitchen area do not provide clear unobstructed opening width of 32".

Citation: ADAAG 4.13.5

Recommendations: Structural change required. Remove and replace existing door hardware.



Priority: One

Location: Old Town Hall – Exterior Doors

Findings: Accessible door leading to parking lot not in working condition.

Citation:

Recommendations: Doors needs to be corrected immediately.

Priority: One



Location: Old Town Hall – Bathroom

Findings: Bathroom needs International Disabled Signage on wall with Braille and clear access route.

Citation: ADAAG 4.30

Recommendations: Correct signage and remove table next to bathroom entrance which impedes access route.

Priority: Two



Findings: Lavatory is missing a hot water drain pipe wrap which is required by CBC 1115B.4.3.4.

Recommendations: Bathroom pipes need insulating.

Priority: Two



Location: Old Town Hall – Kitchen

Findings: Kitchen area not accessible. Microwave, sink, counter and towel dispenser not in compliance.

Citation: ADAAG 4.23.9, 9.2.2(7), 4.2.4.1 & 4.2.5

Recommendations: Structural change required. All items must be lowered or offer alternative items no more than a maximum 40” from floor level. Counter should be a max 34”. Sink needs to have a removable base cabinet to provide 30 by 27” clear space for forward approach.

Priority: Three



Location: Second Floor – Break Room

Findings: Coffee room automatic towel dispenser is too high.

Citation: ADAAG 4.23.9

Recommendations: All fixtures and accessories shall be located a maximum of 40’ above floor. Plumbing under sink require wrapping for safety.

Priority: Three



Location: City Hall

Findings: Emergency kits are mounted on walls too high.

Citation: ADAAG 4.23.9

Recommendations: All fixtures and accessories shall be located a maximum of 40’ above floor.

Priority: Three



Location: City Hall

Findings: All building entrances, permanent rooms & spaces that are accessible shall display signage

Citation: ADAAG 4.30 & CBC 1117B.5.1

Recommendations: Replace all signage not in compliance with following standard:

Character

- Characters on such signs shall be sized according to viewing distance with characters on overhead signs at least 3 inches high.
- Characters and backgrounds need non-glare finish
- Characters shall contrast with their background (light-on-dark or dark-on-light)

Braille

- Letters and numerals shall be raised 1/32 in, upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille.
- Raised characters between 5/8” – 2” high. Braille dots are raised a min 1/40” above the background and are 1/10” on center in each cell with 2/10” pace b/w cells, measured from the second column of dots in the first cell to the first column of dots in second cell.

Pictograms

- Pictograms are accompanied by an equivalent verbal description placed directly below picture.

The verbal description must be in raised letters and accompanied by Grade II Braille. If the International Symbol of Accessibility or other information in addition to room and space designation is included on the sign, it does not have to be raised and accompanied by Grade II Braille.



Mounting Location & Height

- Permanent ID signs are installed on the wall adjacent to the latch side of the door (at double leaf doors & when there is no wall space at latch, signs shall be placed on nearest adjacent wall – preferably on right.
- Mounting height is 60” from floor to centerline of sign

Mounting will allow a person to approach with 3” of the signage without encountering protruding objects/standing within swing of a door.

Priority: Three

Emeryville Child Development Center, 1220 53rd Street



The Emeryville Child Development Center (ECDC) is 11,600 s.f. building originally constructed in 1990-91 that has reportedly received several repairs over the course of the years. This building houses 5 classrooms, an infant care facility, a toddler facility, multi-purpose space with adjacent kitchen, teacher break room, three offices, “sick area”, reception, two playgrounds, and storage space.

Location: Pool Play Components

Findings: Although neither waterslides nor diving boards are required to be accessible many agencies are considering and have implemented accessible water features to allow integrated use of pool facilities.

Citation:

Recommendations: Should consider providing at least one alternative accessible component for water play such as, have a transfer system or accessible means to gain access to the waterslide or diving board.

Priority: Three



6.2. Parks, Greenways & Community Gardens

The following information notes a summary of noncompliant items encountered in City parks, greenways and community gardens. Some areas encountered encompass sidewalks and pedestrian paths so please reference the detailed inventory performed by Sally Swanson Architects, Inc. attached as Appendix K.

61st Street Mini-Park, 61st and Doyle Streets



This 0.14 acre property was originally constructed in 1976. It was the City's first mini-park and continues to be heavily used.

Location:

Findings: The play areas are surrounded by curbs.

Citation:

Recommendations: This curb should be painted with a bright, warning paint to provide better notice and avoid tripping.

Priority: Three

All of the curbing around play area should be removed as it is a tripping hazard and creates a barrier for persons with physical and visual disabilities. If adults sit on this curb to monitor their children, then remove and provide seating.



The resilient play surface is deteriorated and should be replaced. Correct “lip” at entrance to comply with CBC §1111A (Changes in Level) when replacing resilient surfacing.

The City should review the composition of the play equipment prior to any play area changes. The age groups are mixed, which is not recommended by the U.S. Consumer Product Safety Commission, “Public Playground Safety Handbook” that aged 2-5 (pre-school aged features) should be separated from age 5-12 (grade school) equipment.

Age appropriate signage should be installed, as a risk management precaution.

The see-saw is tearing up the resilient surface, replace with a different model or place a partial car tie or some other shock-absorbing material to cushion the impact of the seat against the ground and prevent limbs from being crushed between the seat and the ground.



Actual rocks have been included in the play area, and may be climbed upon by visitors. These hazards should be removed as the City may be liable if someone falls on the play surface and hits their head on it.

6.2.1 Schedule of Improvements for Facilities, Parks, Greenways & Community Gardens

The following table is a compilation of the results from the self-survey and prioritization of the identified barriers. This table identifies projected architectural barrier removal projects, which will include those buildings and facilities that receive a high level of use by the public, provide programs and/or services that are unique and cannot occur in another location and are distributed throughout the City thereby providing maximum access for all residents.

CITY FACILITIES, PARKS, GREENWAYS & COMMUNITY GARDENS	
Years One – Four	
Emeryville Police Department	2449 Powell Street
Public Works Corp Yard	5679 Horton Street
Child Development Center: Playground	1220 53 rd Street
48 th Street Community Garden	
Temescal Creek Park	Adeline & 47 th Streets
Years Five – Seven	
City Hall: Garden Level Meeting Room	1333 Park Avenue
Emeryville Fire Department, Station 2	6303 Hollis Street
Emeryville Senior Center	4321 Salem Street
Davenport Mini-Park	3100 Powell Street
Eastshore & Shorebird Park	Frontage Road
Stanford Avenue Park	Stanford Avenue

Years Eight – Ten	
Recreation Center	4300 San Pablo Avenue
Emeryville Fire Department, Station 1	12333 Powell Street
61 st Street Mini-Park	61 st & Doyle Streets
Christie Park	6200 Christie Avenue
Community Park & Organic Garden	59 th & Doyle Streets
Child Development Center: Interior	1220 53 rd Street

6.2.2 Undue Burden

The City is not required to take remedial action, when it can be demonstrated, that such changes (i) would result in a fundamental alteration in the nature of a program or activity; (ii) would create a hazardous condition for other people; or (iii) would represent an undue financial and administrative burden. The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

7.0 STREET, SIDEWALK and CURB RAMP SELF-EVALUATION: FINDINGS AND RECOMMENDED ACTIONS

The City of Emeryville has contracted Sally Swanson Architects, Inc. to perform a sidewalk, street and curb ramp inventory. (See Appendix L) This inventory details each item found to be in noncompliance with 2004 ADAAG and 2007 Title 24 standards within the City. The Sidewalk and Curb Ramp survey forms attached hereto as Appendix C provides an outline of all the issues addressed in this review.

It is the goal of the City to continue its efforts to improve pedestrian accessibility. To achieve this goal, the City will utilize the following criteria to guide its sidewalk and curb ramp program:

Priority One:

- **Provide access to state or local facilities or offices.**

Since the ADA requires that funding priority be given to "walkways serving local and state government offices and facilities," these conditions have received the highest priority in the City's self-evaluation process.

Priority Two:

- **Provide access to places of public accommodation.**

Locations that provide access to "public, commercial, medical, professional, educational, or recreational services" are high priorities for curb ramps sites and sidewalk improvements.

- **Provide access to public transit.**

A goal of the curb ramp program and sidewalk repairs is to improve access to bus stops along heavily used bus routes.

Priority Three:

- **Enhance safety at pedestrian crossings.**

High priority is given to curb ramps and walkways that will allow for safe crossings at controlled or marked intersections.

- **Create connected systems of accessible pathways.**

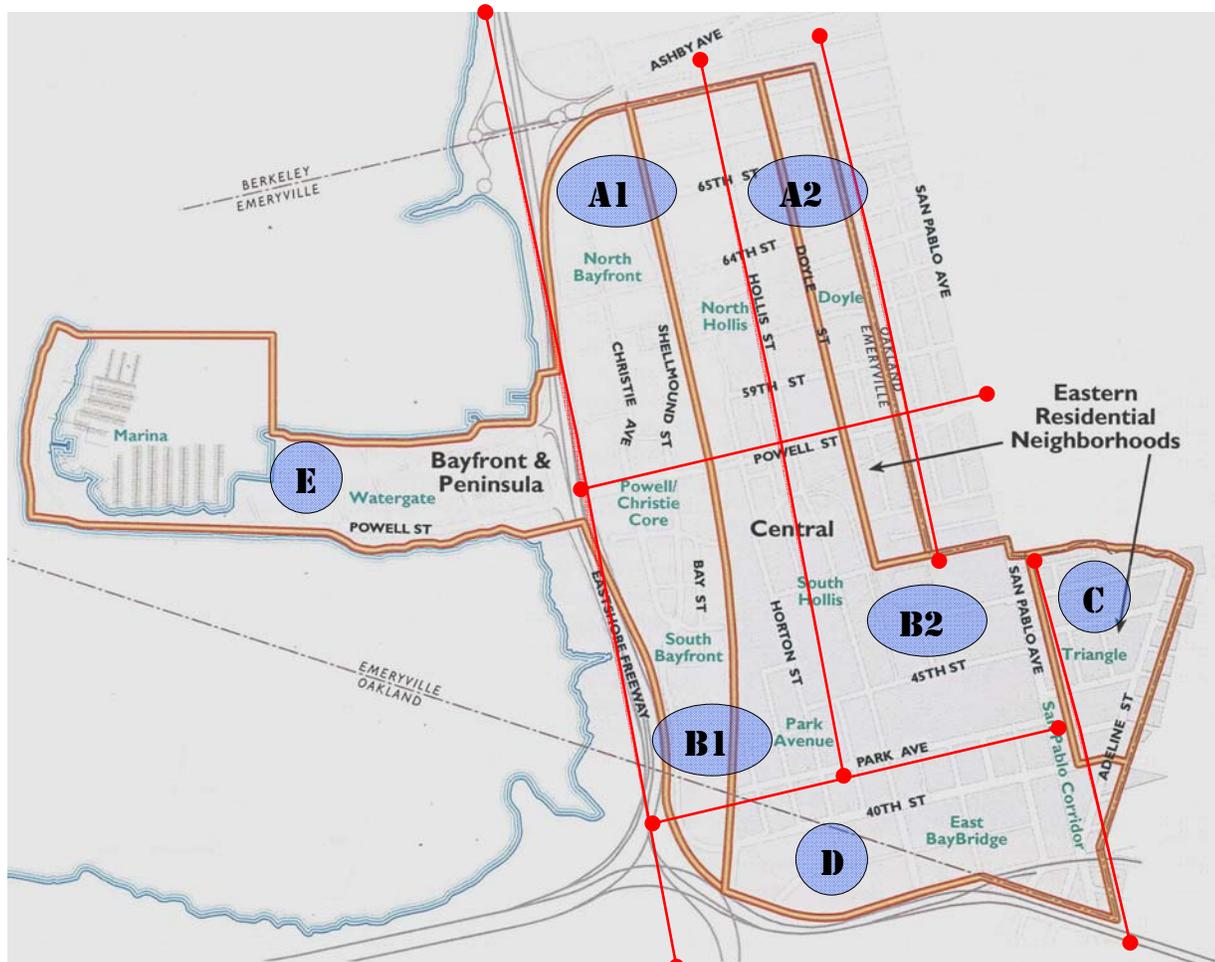
City staff will look for opportunities to complete a partially accessible intersection or pathway and to expand an existing pathway system.

The City of Emeryville reserves the right to change the barrier removal priorities on an ongoing basis in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities and public improvements related to economic development. It is the intent of the City to have its ADA Coordinator work together with department heads and budget staff to determine the funding sources for architectural barrier removal projects. Once funding is identified, the ADA Coordinator and Public Works Director will coordinate the placement of the projects in the City’s Capital Improvement Plan to be addressed on a fiscal year basis. Public Works staff will be responsible for keeping records of all corrections made and providing the ADA Coordinator with a written record memorializing the date, project name/encroachment number associated with the work performed or consultant who performed the work, and the scope of these corrections.

7.1 Access Compliance Survey

The ADA Coordinator divided the City into seven (7) areas to be considered as follows:

- A1 – N. Powell/ W. Hollis
- B1 – S. Powell/ W. Hollis
- C – Triangle
- A2 – N. Powell/ E. Hollis
- B2 – S. Powell/ E. Hollis
- D – Park Ave.
- E – Marina



The survey prepared by Sally Swanson Architects, Inc. is attached as Appendix L and organized by the areas indicated above.

7.2. Pedestrian Pathways & Bridges

The following information is a summary of noncompliant items encountered on pedestrian pathways and bridges. Most areas in this section encompass sidewalks and pedestrian paths that are addressed in the detailed street inventory (Appendix L).

Amtrak Pedestrian Bridge



The Amtrak Pedestrian Bridge is a heavily traveled crossing from the Amtrak station to the shopping center.

Findings: No signage at elevator and stairs.

Citation: ADAAG 4.30 & CBC 1117B.5.1

Recommendations: Character, Braille & Pictogram signage is required.

At every primary public entrance and major junction along or leading to an accessible route of travel, there shall be a sign displaying the international symbol of accessibility.



Priority: Three

Powell Street Pedestrian Bridge, Powell Street



The Powell Street Pedestrian Bridge is a lightly traveled crossing located on the north side of the Powell Street vehicular bridge and slightly below the street level.

Location: Powell Street Underpass

Findings: Both access points by stairs are located under the vehicular overcrossing and unmarked. The bridge is not accessible to persons in mobility devices.

Citation:

Recommendations: Signage directing persons using mobility devices to alternative paths (i.e. Amtrak Pedestrian Bridge)

Priority: Three



Location: Powell Street Underpass

Findings: Entrance to stairs on west opening has a gap in fence allowing direct access onto railroad tracks.

Citation:

Recommendations: Fence on west portion should block tracks from pedestrians. While this is an obvious danger, a person with vision impairments might not be aware of the condition upon exiting stairs.

Priority: Two



Location: Powell Street Underpass

Findings: Handrail expansion joint is not continuous

Citation: ADAAG 4.94.4(4), 4.26.4 & CBC 1133B.4.2.6

Recommendations: Handrails gripping surface shall be uninterrupted, smooth and free of sharp or abrasive elements. The “catch” in this rail should be replaced to confirm to the above standards.

Priority: Two



40th Street Overhead, 40th Street



Findings: Cross slopes are greater than 2% in some locations.

Recommendations: The cost associated with fixing the cross slope issues may be extremely costly. It is suggested that the Public Works Department place signs at both sides of the bridge stating that the bridge is not accessible. Furthermore, it will be imperative that the proposed I-80 Bike Pedestrian Bridge be constructed as a fully accessible alternative to use of existing inaccessible pedestrian bridges (i.e. Powell & 40th Street).

Priority: One

7.2.1 Schedule of Improvements for Pedestrian Right-of-Way

The following table is a compilation of the results from the self-survey and prioritization of the identified barriers. This table identifies projected architectural barrier removal projects, which will include those areas that receive a high level of use by the public, provide access to state or local offices and are distributed throughout the City thereby providing maximum access for all.

Pedestrian Rights-of-Way	
Years One – Four	
Marina – Area E	Park Ave – Area D
Triangle – Area C	
Years Five – Seven	
A1: N. Powell/W. Hollis	B1: S. Powell/ W. Hollis
Years Eight – Ten	
A2: N. Powell/ E. Hollis	B2: S. Powell/ E. Hollis

7.2.2 Undue Burden

The City is not required to take remedial action, when it can be demonstrated, that such changes (i) would result in a fundamental alteration in the nature of a program or activity; (ii) would create a hazardous condition for other people; or (iii) would represent an undue financial and administrative burden. The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

7.2.3 Commercial & Industrial Property Owners

Pursuant to Section 7-3.06 of the Emeryville Municipal Code (EMC), it is the responsibility of commercial and industrial property owners to maintain the curb and sidewalk abutting their properties to the minimum standards set by the City Engineer. The minimum standards require that all sidewalks and curbs ramps comply with current standards pursuant to the California Building Code and ADA Accessibility Guidelines. The ADA Coordinator and City Engineer will present a recommendation to the City Council to begin enforcement of this provision via a notice procedure to such owners with instructions on how to correct such pathways within a reasonable time period.

7.2.4 Public Improvement Agreements & Residential Developments

The City will continue to enter into and/or require public improvements, where applicable on development projects and large residential projects. Pursuant to Section 7-3.05 the City Engineer as a condition of all building permits for construction of a new structure and for all non-residential construction with a value of five thousand dollars (\$5,000.00) or more may require sidewalk and curb construction where nonexistent or in need of repair.

Appendix A – Staff Toolkit



Guide for City Employees to Title II of the Americans with Disabilities Act (ADA) *Serving Our Customers with Disabilities*

The Americans with Disabilities Act

On July 26, 1990, the Americans with Disabilities Act (“ADA”) was signed into law under the principal that this legislation would “let the shameful wall of exclusion finally come tumbling down.” ADA is one of the most important civil rights laws enacted since the Civil Rights Act of 1964, prohibiting discrimination against persons with disabilities. Under the ADA City facilities, programs, services and activities must be accessible to persons with disabilities.

The City of Emeryville is dedicated to ensuring that no qualified person with a disability be excluded from participating in, or denied the benefits of, the programs, services and activities provided by the City based on a disability. There are more than 50 million Americans with disabilities – nearly 18% of our population estimates suggest. City employees are expected to be aware of and respectful of the various types of disabilities individuals may have. Disabilities may include the following: mobility, blindness and vision, deafness and hearing, speech and language and mental and learning disabilities. Some disabling conditions are not readily apparent and some are invisible.

Accommodations for Individuals with Disabilities

The City is fully committed to providing access for individuals with disabilities and improvements to access have been and continue to be made. While it is not required that every area of every City facility be accessible, it is required that City programs and services be accessible. Periodically, department staff may receive requests for accommodations to allow individuals to participate in and benefit from City services. Staff should reference the ADA Coordinator page on the City website for available resources or contact the ADA Coordinator. When responding to a request for accommodation, City personnel are expected to respond graciously to requestors and to make a good faith effort to meet their needs, in a timely manner. This should include exploration of various alternatives, which may include:

- Relocation of a program or activity
- Provision of services at alternative accessible sites
- Delivery of services
- Provision of auxiliary aides (e.g. readers, interpreters, mobility assistants, hearing devices)
- Provision of information in an alternative format (e.g. audio tape, large print, Braille conversion)
- Structural alterations

Alternatives that integrate a participant with disabilities with other program participants are preferred. Although some additional costs may be incurred in accommodating the individual, these costs may not be passed on to the individual in the form of surcharges. Ideally, the chosen accommodation will be acceptable to the individual and feasible for the City. However, in some cases it may not be possible to reasonably accommodate the individual. The City's obligation under Title II of the ADA must not cause undue financial and administrative burdens to the City or fundamental alterations in the nature of the program, service, or

activity. These determinations are best made based on the judgment and knowledge of the department staff and the City ADA Coordinator.

Any request and the departmental response should be documented using the Request for Accommodation form. Inabilities to provide an accommodation due to a determination of fundamental alteration or undue burden should be made in consultation with the City's ADA Coordinator and include a written statement of the reasons for reaching that conclusion.

Disability Etiquette

To ensure full participation by all community members it is imperative that individuals with disabilities feel welcomed and respected. One way to make people with disabilities feel welcomed is by practicing disability etiquette.

- Introduce yourself. Shake hands or touch the person on the arm or shoulder to welcome and acknowledge their presence. Treat people as you would like to be treated!
- Be yourself – everyone will feel more comfortable if you relax. Speak directly to that person - face to face. If the person is in a wheelchair, use a chair, in order to communicate at the person's eye level.
- Be courteous, but not condescending. Offer assistance in a dignified manner with sensitivity and respect and realize that asking first is better than assuming help is needed.
- Words Set the Tone – So use Words with Dignity. Place the individual first – “a person with a disability.” Avoid words such as, “handicapped” or “cripple” which are not only inappropriate and outdated but, demeaning.
 - The word “handicapped” allegedly originates from the “cap in hand/hand in cap” legislation of King Henry VII after a brutal war had left his country with a great number of disabled veterans. Henry could not envision disabled persons being financially self sufficient hence, he proclaimed that begging in the streets be legal for persons with disabilities. When we describe people by “labels” we devalue and disrespect them as individuals.
- Allow a person with visual impairments to take your shoulder or arm at or about the elbow. This will enable you to guide rather than lead the person.
- Service animals assist persons with various disabilities some of which are apparent and others invisible. Never touch a service animal or the person it assist without permission. Service animals are working hence; do not distract them as loss of their concentration could put their owners in danger. A service animal is not required to have any special certification.
- Remember that not all disabilities are apparent. Respect an individual's needs and request whenever possible.

It's About Customer Service

Providing access to City programs and services to individuals with disabilities is not just about complying with the law. It is about providing good customer service and being responsive. It is realizing that a disability does not define the individual, but that each person is unique and deserves respect and consideration, regardless of whether or not that person has a disability.

If you have questions or need information about available resources, contact the City ADA Coordinator:

Dominique B. Burton, ADA Coordinator
City of Emeryville 1333 Park Avenue Emeryville, CA 94608
Direct Line: 510.596.4380, Facsimile: 510.596.3724, TTY Relay: 711
dburton@ci.emeryville.ca.us

Appendix A.1 – Emergency Services Pocket Guide



Emergency Services Pocket Guide

ADA: Effective Communications with Persons with Disabilities

The Americans with Disabilities Act (ADA) was passed into law in 1990 to ensure that people with disabilities are afforded the same rights and privileges as non-disabled individuals. The City of Emeryville is dedicated to ensuring that no qualified person with a disability be excluded from participating in, or denied the benefits of the programs, services, and activities provided by the City based on a disability.

Safety

Emergency service providers must be aware of their personal safety and the safety of the public. Be aware when contacting persons with disabilities, not to adopt a false sense of security. There are no “boiler plate” tactics to employ when contacting all persons with a disability, but this guide will provide some pointers and existing tactics.

Disability Etiquette

- Introduce yourself. Shake hands or touch the person on the arm or shoulder and acknowledge their presence. Treat people as you would like to be treated!
- Be yourself – everyone will feel more comfortable if you relax. Speak directly to that person - face to face and at eye level. Be courteous, but not condescending. Offer assistance in a dignified manner with sensitivity and respect and realize that asking first is better than assuming help is needed.
- Words Set the Tone – Use Words with Dignity. Place the individual first – “a person with a disability.” Avoid words such as, “handicapped” or “cripple,” which are not only inappropriate and outdated, but demeaning.

Medical Attention to Disabled Person

- Mobility devices should be transported along with individuals. In such instances, where the device is too large to transport with the individual the device can be transported by another agency or service provider. Contact Dispatch for Assistance.
- People with disabilities should not normally be separated from their service animals even in places where pets are typically not allowed. Service animals shall be permitted to accompany their owners in ambulances, etc. unless the presence of the animal will disrupt emergency or urgent care or there is some basis for crew members to believe that the safety of the crew, the individual or others would be compromised by the presence of the service animal being transported with the individual being served. Acceptable alternative methods of transporting service animals to receiving facilities include family, friends or law enforcement.
- Please consider documenting if the patient utilizes a service animal, and whether the animal was transported with or without the patient, the means used to transport, and describe the reason the animal was not transported with the patient.

Calling for Assistance

General Accessibility Concerns & Questions

ADA Coordinator, Dominique B. Burton
Office 510.596.4380 – Cellular 510.932.2185

Sign Language Interpreter

In compliance with the ADA, all Emeryville emergency services have access to Sign Language Interpreters 24 hours a day via **Bay Area Communication Access (BACA)** at 415.356.0450.

Language Line is available 24 hours a day for translation services in various languages including ASL via video phone at 1-800-528-5888.

Service Animals – Critical Issues

Service animals assist persons with various disabilities some of which are apparent or invisible. Never touch a service animal or the person it assist without permission. Service animals are working so do not distract them as loss of their concentration could put their owners in danger. A service animal is not required to have any special certification.

- It is illegal to interfere with the use of a service animal. PC §365.6 It is also, illegal to deny access to a disabled person because of a service animal in a public conveyance or accommodation. PC §365.5
- Handling Service Animal Calls – determine if the animal is a service animal by asking if the animal is a pet or service animal. You should not ask a person about their disability however, you can ask how the animal assists that person. Certification or other proof as a service animal is not required.
- Incident reports are suggested when persons are refused access to any local establishment, etc.

Arrest – Disabled Person

- Disabled person may be allowed to transport themselves from their device to the rear of patrol car. Mobility devices may be transported along with individuals.
- Be aware that some disabled persons may not be able to sit in an erect position or have the upper body strength to transfer themselves. In such instances, alternative transportation can be requested to transport in their device via another agency or service provider. Contact Dispatch for Assistance.
- Consider documenting if the arrestee utilizes a service animal, whether the animal was released to a third-party (by consent of arrestee only) or transported by animal services.

DEAF & HARD OF HEARING

People who are deaf or hard of hearing will have varying degrees of hearing loss, different cultural identities, and a wide range of communication needs. Members of the American Deaf culture community share a common language, American Sign Language (ASL), which has its own grammar distinctly different from English. ASL is not universal, but rather, the most used language by individuals in the United States.

- For many, the correct term is Deaf. Others describe themselves as Hearing-Impaired, Hard of Hearing or deafened.
- **Never** use terms such as, deaf-mute, dumb, or handicapped.
- **Always ask** the individual directly which term is preferred.

Approaching Persons who are Deaf or Hard of Hearing

- **Get the persons' attention** with a wave or gentle tap on the shoulder.
- **Face the person**, maintain eye contact. Make sure there's adequate lighting.
- **Identify yourself** using visual cues. Point to your name tag and star.



FIRE FIGHTER



- **POLICE**
- **To ask if the person is deaf**, point with one hand to your ear & mouth and then to the person.
- **Ask the person directly**, or in writing, for his or her preferred mode of communication.
- **If the person prefers to lip-read**, speak normally and ask if you can be understood.
- **Do not assume a lip reader**, can understand everything. Only 30% of speech is discernible by lips.
- **Offer to communicate in writing** when necessary. Do not assume the person is fluent in English.
- **If person prefers ASL**, call an Interpreter.

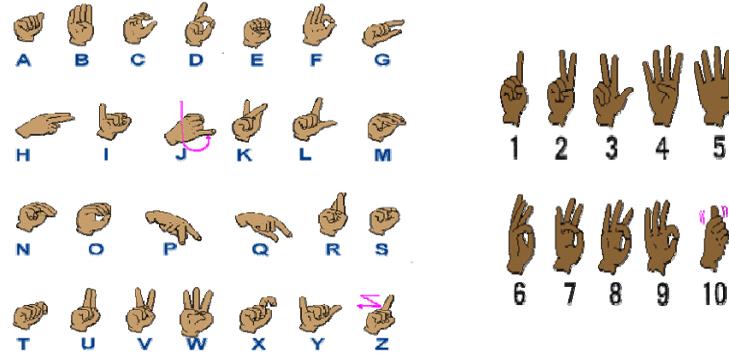


- **Do not rely on family members or friends** to communicate. The law mandates the services of a qualified Interpreter.

INTERPRETER



Survival Signs for Emergency Services



VISION IMPAIRMENTS

Some indications that a person may be blind or visually impaired could be the use of a white cane, guide dog or service animal, jerky motion of the eyes, positioning themselves close to material to read, or they may rock back & forth when standing. This behavior may appear to indicate intoxication; be sure to investigate the cause of this behaviour prior to making any judgments.

- **Identify yourself** as an officer/fire fighter. When interviewing persons with vision impairments it may be helpful to have them walk you through the incident or location.
- If you must assist, offer your arm and let the individual take it; do not lead or grab the person's arm, clothing or cane. **Avoid Exposing Your Gun Side.**
- **Check with the person before touching** his/her person or service animal. The animal, by nature and training, is protective of his/her owner. (*See Service Animal Critical Issues*)
- **Do not shout**, but do give the individual verbal cues and explain if you are leaving, moving, etc.

DEVELOPMENTAL DISABILITIES

A disability which originates before an individual attains age 18 continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy, autism, and disabling conditions closely related to mental retardation.

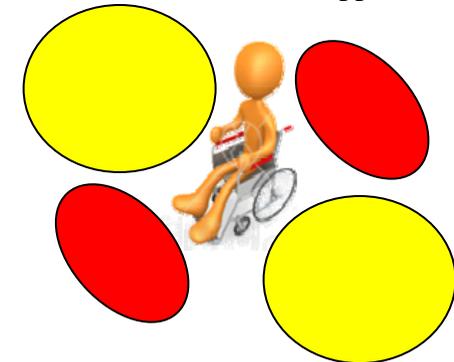
- **Do not assume** people with **Developmental Disabilities** are "mentally ill."
- **Common Behaviors** may include slow response times, difficulty speaking, understanding instructions, and ability to recall certain facts. **Be patient.**
- **Keep conversations simple.** Repeat questions or ask questions in different ways.
- Don't ask leading or yes/no questions.

MOBILITY IMPAIRMENTS

Lack of mobility may be caused by nervous system damage, muscular-skeletal injury, disease, aging, accident, or may be a result of an act of violence. Devices include wheelchairs, canes, motorized scooters, braces, and walkers.

Take a person with mobility impairment as you would anyone else. Do not take a condescending position, and do not lean on their device (i.e wheelchair).

- In some situation it is more effective to communicate with the person at **eye level** but, do not place yourself at a disadvantage. **Step back a few feet from the device to create a safety zone.**
- Observe a "**safety zone.**" **Red** areas with high potential for injury to others & **Yellow** are best for approaching.



Appendix A.2 – Public Works: Street Closure Procedures



TEMPORARY TRAFFIC CONTROL PLAN CHECKLIST

When scheduled work requires the full or partial closure of a City right-of-way, the City of Emeryville requires that a temporary traffic control plan (TTCP) be submitted for review by the Public Works Department and ADA Coordinator at least two (2) weeks prior to beginning of any work and should conform to the standards shown in this document, as well as any and all applicable codes and conditions. This checklist is provided merely to assist Developers and Contractors in developing acceptable plans however, please refer to the California Manual of Uniform Traffic Control Devices (MUTCD) for more information and examples. (See <http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/index.htm>)

Developer/Contractor is responsible for inspecting any approved traffic detour routes to insure adequate horizontal and vertical clearances are maintained free from obstructions (e.g., poles and low overhanging tree limbs).

Pedestrian Guidelines

It is the policy of the ADA Coordinator in conjunction with the Department of Public Works that a safe and accessible path of travel is provided for all pedestrians, including those with disabilities, around and/or through construction sites.

When erecting barricades, the Contractor shall be conscious of the special needs of pedestrians with physical disabilities. Discretion is given to the contractor to provide protection for pedestrians consistent with all local, state, and federal codes, including the Americans with Disabilities Act and California Building Code, Title 24.

It is recognized that there are various types of construction activities, including both short-term and long-term projects. Some barricading systems are more appropriate for certain types of construction than others.

The following barricading systems are examples of systems which can be used to provide a safe and accessible path of-travel around and through a construction site. They are not intended to be all-inclusive. Any barricading system meeting accessibility standards may be considered.

Placement of Barricades

The Contractor shall erect and maintain for the duration of the Contract proper barricades and temporary curb ramps complying with all State and Federal access codes & regulations or proper signage directing pedestrians to an alternative accessible path of travel at all closed crosswalks and existing closed curb ramps.

For all temporary fencing, barricades or other barriers, the Contractor shall provide a solid and continuous bottom rail such as a wood 2x4 or other material of high contrast attached to the base of the barricade or fencing system to direct pedestrians with vision impairments to and through a temporary path-of-travel in the construction area.

The Contractor shall allow no construction materials be stored or placed on the path-of-travel. The Contractor shall maintain the construction barriers in a sound, neat and clean condition, and shall remove all graffiti to the satisfaction of the Engineer, during the life of the contract. The Contractor shall clean public walkways adjoining the construction site of accumulated trash and debris.

Construction operations shall not occupy public sidewalks except where pedestrian protection is provided, following the requirements herein, and with the regulations of other public authorities

having jurisdiction. The Contractor shall not obstruct free and convenient approach to any fire hydrant, alarm box or utility box.

The Contractor shall remove barriers and enclosures upon completion of the work in accordance with applicable regulatory requirements and to the satisfaction of the Engineer.

Barricading Methods & Materials

A-Frames: When using A-frames for defining a path-of-travel, not barricading trenches from vehicular travel, A-frames shall be placed end to end (no spacing between barricades allowed). This will help a person with vision impairments negotiate a safe path-of-travel. Openings between A-frames will give confusing signals to a person with vision impairments and using a "walking cane" or "white cane". If using A-frames, all must be connected in a way to ensure that individual A-frames do not move out of place or separate. As an example of an acceptable connection, A-frames may be connected with a 2x4" that is attached to the base of the barricade system.

Barrier Caution Tape: Caution tape does not provide an adequate barricade and cannot be used to delineate path-of-travel (but can be used in other areas to highlight dangerous conditions).

Fencing Material: When using fencing material (i.e., chain link, plastic, etc.) the bottom 3 inches at a minimum should be solid. This base will act as a guide to persons with vision impairments using canes. Otherwise, walking canes could get caught in fencing. A safe design can be achieved by attaching a solid material (i.e., wood, header bender board, sheet metal, solid rod or rail, etc.) to the bottom portion of the fence. Chosen material should have a high visual contrast to the street/sidewalk surface.

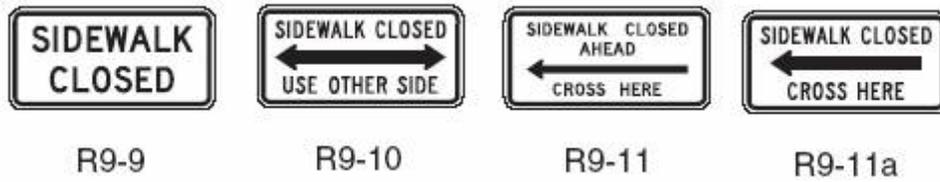
Closed Crosswalks: If a crosswalk is closed due to construction, then curb ramps leading into that crosswalk should also be appropriately barricaded. High pedestrian traffic areas, may call for installation of a temporary curb ramps in the direction of the crosswalk to replace barricaded ramps. Note however where appropriate, signage closing sidewalk or curb ramp and directing pedestrians to alternative paths will be acceptable if advance notice is given. It should be noted that curb ramps are not used solely by persons in wheelchairs. They are also indicators to persons who are blind/low-visioned that a crosswalk exists and that there is a safe path-of-travel to cross the street. Temporary curb ramps should direct pedestrians with vision impairments to and through the temporary path-of-travel.

Open Crosswalks: If crosswalks are to remain open during the project then curb ramp areas should be kept free of debris, staging material, equipment, etc.

Path-Of-Travel: All changes of level in a path-of-travel that is over ¼ inch in height, but not exceeding ½ inch, shall be bevelled at a 45-degree angle to provide a smooth, non-tripping transition.

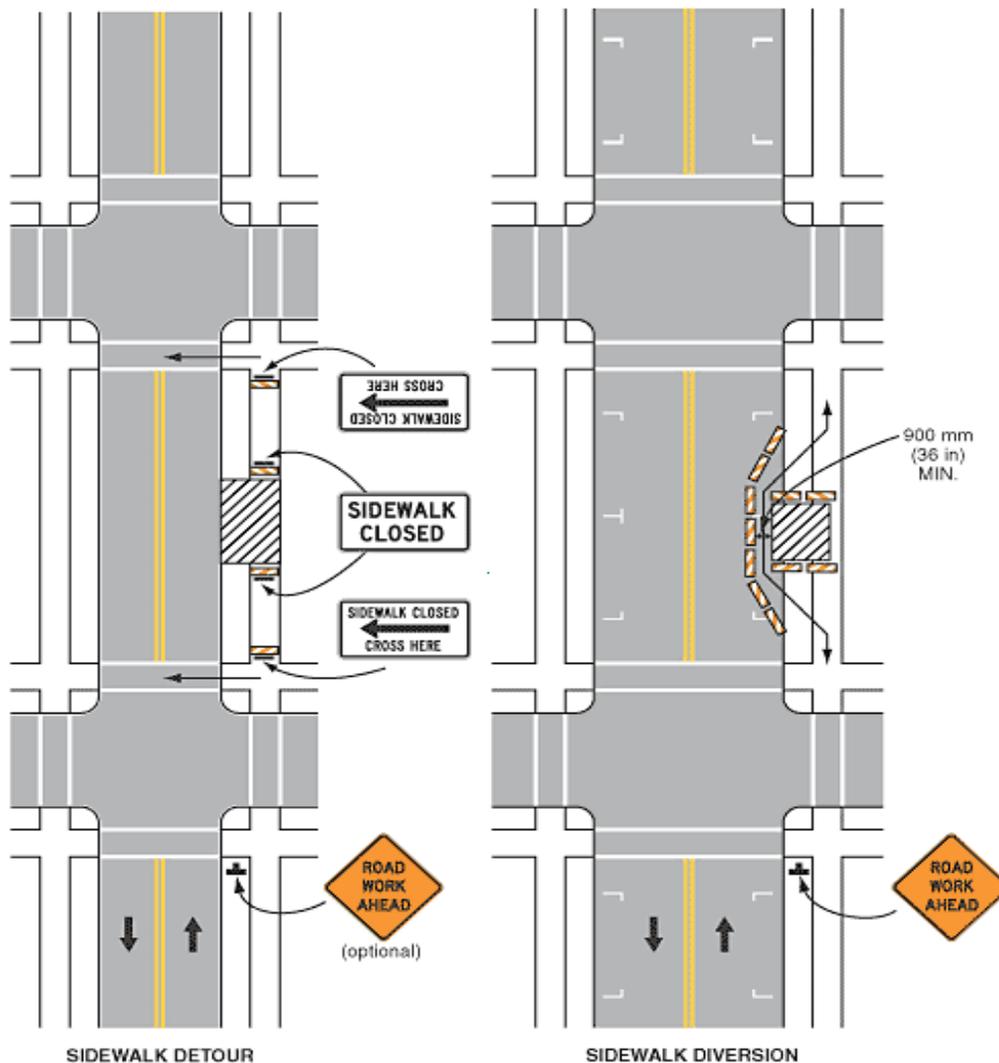
Signage: Contractor must post and maintain the appropriate pedestrian signs, including but not limited to "SIDEWALK CLOSED AHEAD/USE OTHER SIDE", "SIDEWALK CLOSED", "NO PEDESTRIAN CROSSING" and directional signage indicating alternative accessible paths such as, "USE _____ or _____" (See MUTCD for complete list signage).

Additional Pedestrian Signs



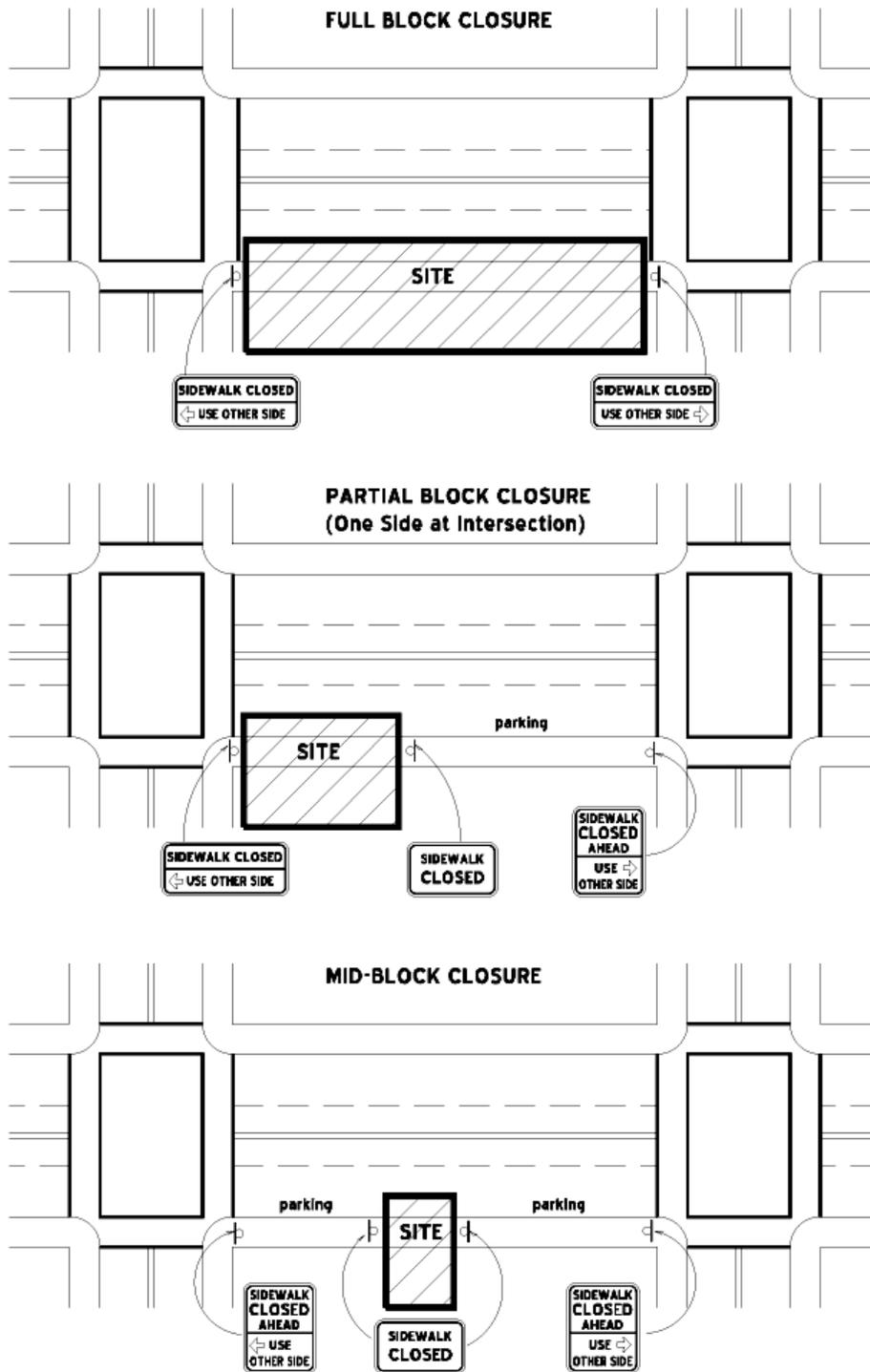
Advance notification of sidewalk and ramp closures shall be provided such that individuals with disabilities are provided the opportunity to gain safe and legal access to the alternative path of travel. (See examples below).

Figure 6H-28. Sidewalk Detour or Diversion (TA-28)



Typical Application 28

Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.



NOTE: With the unique nature of each project, certain issues may arise which have not been covered in the above guidelines. Each project will have to be reviewed on a case by case basis, to ensure that safe and accessible paths-of-travel are maintained during construction.

Examples of Correct & Incorrect Barricading Methods

DON'T



- Use A-Frame spaced too wide.
- Use caution tape which doesn't provide an adequate barricade or detectable path-of-travel.
- Block curb ramp access.



- Block sidewalk without providing advance notice of closure and offering alternative path at previous curb ramp.



- Leave an open trench/pit, for a new light pole. An opening in the path-of-travel poses a severe hazard to able bodied pedestrians as well as disabled pedestrians.



- Leave dangerous conditions open without blocking off perimeter completely with upright barricades.

DO



- Use orange plastic fencing with baseboard. It provides an easily detectable path-of-travel for persons who are blind/low visioned and using a "mobility cane."
- Provide advance notice of any closures or disruptions effecting pedestrian traffic and safety.
- Install temporary bridging system (wooden decks/steel plates) provides an accessible path-of-travel for persons using a wheelchair. (Note: the cold patch (asphalt) at the ends of the bridge provides a beveled 1:2 lip of no more than 1/2 inch for a smooth transition).



- Install baseboard at perimeter of fence supports provides for a well defined path-of-travel edge for persons who are low visioned/blind.
- Provide concrete float (temporary ramp) to provide a smooth transition from street to sidewalk for all pedestrians as well as those persons using a mobility devices.
- Incorporate K-Rail which further define the path-of-travel and protect pedestrians from vehicular traffic.



- Use temporary curb ramps.

Appendix A.3 – ADA Concerns for Child Care Providers



1. What is the ADA?

The Americans with Disabilities Act (ADA) is a federal civil rights law which was passed in 1990. Among other things, the ADA prohibits discrimination by child care centers and family child care providers against individuals with disabilities.

The ADA Amendments Act of 2008, which took effect January 1, 2009, strengthens protections for people with disabilities. It reinforces the focus of the ADA on whether covered entities complied with the statute and not on simply whether a person has a disability.

States may provide greater protection for people with disabilities than what is guaranteed by the ADA. In California, the Unruh Civil Rights Act prohibits all business establishments, including child care providers, from discriminating on the basis of disability.

2. Who is protected by the ADA?

Three groups of people receive protection under the ADA. They are:

- People with a **physical or mental impairment** which **substantially limits** one or more **major life activities**;
- People with a **history of** a physical or mental impairment which substantially limits one or more major life activities;
- People who are **regarded as** having a physical or mental impairment which substantially limits one or more major life activities.

3. What does the ADA require of providers?

The ADA prohibits providers from discriminating against persons simply because they have disabilities. Instead, providers have to make a case-by-case assessment of what the person with the disability requires to be fully integrated into the program. Once you know what is needed, you must assess whether reasonable accommodations can be made. A provider does not have to make a reasonable accommodation if a person qualifies as a person with a disability under the “regarded as” standard described in Question 2 above.

4. What types of accommodations does the ADA require?



The ADA sets out four primary types of accommodations:

- Admissions policies that screen out or tend to screen out persons with disabilities;
- Changes in policies, practices, or procedures;
- Provision of auxiliary aids and services to ensure effective communication; and
- Removal of physical barriers in existing program facilities.

5. How does a program determine reasonableness?

In practical terms, what is reasonable will vary. Generally, the three most important variables are (1) the needs of a person with a disability, (2) the accommodations requested, and (3) the resources available to the program. Accommodations must be based on individualized assessments of the child's needs and the program's ability to make the necessary modifications.



The ADA requires child care programs to make accommodations in the areas described in Question 4 unless:

- In cases of changes in policies, practices or procedures, the accommodation would **fundamentally alter the nature of the program or services offered**;
- In the case of auxiliary aids and services, the accommodation **would fundamentally alter the nature of the program or pose an undue burden** (i.e. pose a significant difficulty or expense);
- In the case of the removal of physical barriers, the accommodation is **not readily achievable**. The ADA allows programs to provide services to individuals with disabilities through alternative methods if physical barriers are not removed.

Child care providers should begin the process of identifying reasonable accommodations by submitting a copy of the City's reasonable accommodation request form to the parent(s) or legal guardian. If the child has an individualized family services plan (IFSP) or an individualized education plan (IEP) to meet his or her educational needs as required under the Individuals with Disabilities Education Act, the provider and ADA Coordinator can also use that as a guide for determining reasonable accommodations, although these are only one tool and not the definitive answer to what is reasonable. An IEP can provide information about what services and accommodations a school is providing to help the child attain his or her educational goals.

6. What do I do when another parent makes inquiries about a child with disabilities?

Information about a child's disability is confidential and should not be shared with others unless you have consent from the parents of the child with the disability. If you have a respectful relationship with the parents, you may be able to have a conversation with them about how they would like to see you handle inquiries about their child's disability from the parents and the children. Some parents will prefer that information about their child's disability continue to be kept confidential while others may welcome the opportunity to share with other families the nature of their child's disability. If a family chooses to share information about their child and his or her disability, it can provide valuable learning opportunities for all the children in the program.

Once again, one of the best ways to respond to other families is outside of the context of a particular child by providing general information about what quality care is all about. High quality programs will provide opportunities for parent education, which should include discussions of the benefits to all children of inclusive child care.

7. Are there a certain number of children I may care for if I care for a child with special needs?

There is no particular number of children you may care for when you care for children with special needs, as each child with special needs is different, and there are no required staffing ratios. The provider must evaluate his/her own program, keeping in mind the special needs of each child before determining how many children with special needs the program can accommodate.

8. I understand that programs may not discriminate, but in addition I want to be clear that my program welcomes children with disabilities. How do I say that in my brochure?

Your materials may include language that states that your “program is fully accessible” or that your teachers “have experience in caring for children with disabilities.” This goes beyond what is required by law, but is helpful to make your facility visible as one that promotes inclusion.

9. How can I care for children with disabilities if I am not trained or if I work on my own?

Many of the accommodations children need are not complicated and can be easily learned. In other instances, where training is helpful or necessary, it may be available from the parent, early intervention or special education specialists, health professionals, disability organizations, local resource and referral agencies, or community colleges. An important first step is to identify community resources that can assist with inclusion.

10. May I automatically decline to serve a child with disabilities and simply refer them on to another provider who I think is better able to serve them?

No. A parent may prefer your care and if it is possible for you to make the reasonable accommodations necessary to serve that child he or she may not be turned away and referred to another program. If a program can document that it undertook an individualized assessment of the situation and found that accommodating the child would not be reasonable, the program may then offer suggestions for other potential care.

11. If a parent of a child with a disability has conflicts with the provider or the parent fails to comply with rules applied to all families, can the family be terminated from the program?

Yes, if it can be documented that the reasons for termination have to do with failure to comply with rules or standards that are uniformly applied to all families, not relevant to any potential required accommodations, and are not used as pretexts for discrimination. So for example, a recent case found that a mother’s belligerence and total lack of cooperation, coupled with her failure to comply with rules imposed on everyone which had nothing to do with her child’s disability, caused her ADA claim to fail.²

Please contact me with any questions or concerns:

Dominique B. Burton, ADA Coordinator
City of Emeryville 1333 Park Avenue Emeryville, CA 94608
Direct Line: 510.596.4380 & TTY Relay: 711
dburton@ci.emeryville.ca.us

² Q&A 1-11 Provided Courtesy of the Childcare Law Center: Out of School Programs and the Americans with Disabilities Act, Updated March 2009

Effective practices and policies to ensure compliance:

- Continuing to use developmentally appropriate practices-which emphasize individual growth patterns, strengths, interests, and experiences of young children-to design appropriate learning environments.
- Adopting an attitude of "how can I meet this child's needs ..." and adapting creatively.
- Making simple changes in the typical activities/routines in your program to meet the child's needs (using tactile play materials for a child with vision impairments).
- Eliminating program eligibility standards which have the effect of screening out children with disabilities, such as being toilet trained (some children may never qualify).
- Include a question in your enrollment procedure that asks parents if there is anything you need to know that would help you care for their child (she goes to sleep with a pacifier or he wears hearing aids).
- Working closely with parents and professionals to integrate the child's developmental and therapy goals into your daily routines and activities (using sign language to expand communication with children at snack or circle time).
- Identifying and removing barriers to the child's participation (widening pathways between activity areas for walkers and wheelchairs or repositioning materials at the child's level for visual or motor activities). Costly structural changes are not required if affordable alternatives are available (providing pitchers and cups rather than lowering or raising a water fountain).
- Using community resources to make accommodations to your program and/or provide needed services or equipment. (Materials may be donated and/or built; recruiting volunteers may enhance child/staff ratios.)

Appendix A.4 – Auxiliary Service Providers



Auxiliary Service Providers

Documents that are available in print should be made available in appropriate formats upon request. Appropriate formats are person-specific. Many people with low-vision can read large font, while others who may be blind prefer materials in Braille. Electronic versions of documents provided on diskette or via e-mail could also be appropriate. These documents can be read at the individual's personal computer using a screen reader program with audio output. For some, the most accessible format is audio tape or CD. A qualified individual must read the document onto tape or CD. Documents prepared on a computer can usually be made accessible to individuals with low-vision by increasing the font size to 18 point or larger (Times New Roman standard). It is best to print this converted large print version on standard 8½ by 11 inch paper. Documents not available on computer can be enlarged using most photocopy machines. These large print versions should be printed on 11 by 17 inch paper.

Deaf & Hard-Of-Hearing Services

<p>Bay Area Communications Access 443 Tehama Street San Francisco, CA 94103-1711 Voice: 415-356-0405 TTY: 415-356-0376 Fax: 415-356-0495 Email: bacaterp@aol.com</p> <p>Provides Sign Language interpreters, Deaf and blind (tactile) interpreters, oral transliterators & Deaf relay interpreters.</p>	<p>D.E.A.F. Media, Inc. 2600 Tenth Street, Suite 413 Berkeley, CA 94710-2522 Voice: 510-841-0163 TTY: 510-841-0165 Fax: 510-841-6319 Email: info@deafmedia.org</p> <p>Provides Sign Language interpreters Please telephone for more information, including rates and availability.</p>
<p>Captioning Agency Professionals 6031 Girvin Drive Oakland, CA 94611-2458 Jane E. James Voice: 510-530-3989 Fax: 510-530-4130 Email: captioning@earthlink.net</p> <p>Provides communication access real-time translation (CART), real-time captioning, and closed captioning.</p>	<p>Hired Hands P.O. Box 2722 Fremont, CA 94539 Sarah Prudhom, Director Voice/TTY: 510-659-1882 Email: handshired@aol.com</p> <p>Provides Sign Language interpreters.</p>
<p>Andlyn Braille Press 2909 Forest Ave. Berkeley, CA 94705-1310 Lynne Laird Voice: 510-845-5858 Email: andlyn@sbcglobal.net</p> <p>Provides Braille materials from text. Please telephone or e-mail for rates and availability.</p>	<p>Lighthouse for the Blind and Visually Impaired 214 Van Ness Avenue San Francisco, CA 94102 Greg Kehret, Director of Access to Information Services Voice: 415-694-7349 Email: ais@lighthouse-sf.org</p> <p>Provides Braille materials and print to audio translation.</p>

Appendix A.5 – Council Chamber Audiovisual Procedures

**Appendix A.6 – Administrative
Instruction No. 113**

These procedures apply to all services and programs administered by the City.

III. LEGAL BASIS

1. Discrimination Prohibited

Section 504, Title V of the Rehabilitation Act of 1973 (29 USC 794), as amended, specifies:
“No otherwise qualified disabled individual in the United States., shall, solely by his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Title II of the Americans with Disabilities Act (28 CFR Part 35) specifies:
“No otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination” in programs sponsored by a public entity.

Sections 11135-11139.5 of the California Government Code specifies:
“No disabled person in California may be subjected to discrimination under any program or activity that receives any financial assistance from the State.”

2. Designation of Responsible Employee

Section 504, Title V, Subsection 84.7 (a) specifies:
“A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this [part].”

Title II of the Americans with Disabilities Act, section 35.107 (a) specifies:
“A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part.”

The ADA Coordinator is a Management of Emeryville Services Authority (MESA) employee appointed by the City Manager to ensure compliance with Section 504 and the ADA within the City.

3. Adoption of Grievance Procedures

Section 504, Title V, Subsection 84.6 (b) specifies:
“A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints, alleging any action prohibited by this part.”

Title II of the Americans with Disabilities Act, section 35.107 (b) specifies:
“A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.”

IV. ADA GRIEVANCE PROCEDURES

1. ADA Auxiliary Aids & Services or Barrier Removal

A person who requires an accommodation, an auxiliary aid or service to participate in a City program, service, or activity, or who requests a modification of policies or procedures should submit a [Request for Accommodation or Barrier Removal Form](#) (attached) to the ADA Coordinator. The Request Form should be submitted as far in advance as possible before the scheduled event. The best effort to fulfill the request will be made.

An individual may also submit a [Request for Accommodation or Barrier Removal Form](#) when seeking the removal of a physical barrier in order to gain or improve access. Request forms and other information are available from the City of Emeryville, ADA Coordinator, 1333 Park Avenue, Emeryville, CA 94608, during regular business hours, via fax, mail or electronic mail. Other arrangements for submitting a request, such as personal interviews or tape recordings, as well as assistance in completing the form, are available by contacting the ADA Coordinator.

The City will review the request and notify the requesting party of the City's proposed resolution. The City's notification will be in writing or a reasonable alternative format if requested. If an individual feels that the City's response is unsatisfactory, he or she may submit a formal complaint following the Formal Complaint Procedure, below.

2. Formal Complaint Procedures

The City has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and state disability rights. The following is designed to meet requirements of both §504 of the Rehabilitation Act of 1973, as amended, and Title II of the ADA. This procedure is available for any individual who wishes to file a complaint alleging discrimination by the City based on disability, regarding access to the government services, programs, and facilities of the City. It is unlawful for the City of Emeryville to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

There is a separate complaint procedure for ADA issues relating to employment issues. Please contact the Human Resources Director for further information.

The availability and use of this grievance procedure via submission of a [Complaint Form](#) (attached) does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

A grievance may be in writing, tape recording, or any other device, containing the name, address and telephone number of the person filing it (the Complainant). The grievance shall state the problem or action alleged to be discriminatory and the remedy or relief sought by the complainant.

Grievances shall be processed in the following manner:

Step 1: Submission of Complaint

The complaint should contain as much information as possible about the alleged discrimination. The Complainant or his/her representative should file a [Complaint Form](#) with the ADA Coordinator no later than **60 days** from the date of the alleged discrimination. The City of Emeryville Complaint Form is available at City Hall during regular business hours via fax, mail or electronic mail. Other arrangements for submitting a request, such as personal interviews or tape recordings, as well as assistance in completing the form, are available by contacting the ADA Coordinator.

The ADA Coordinator will notify the Complainant in writing of any additional information that is needed to complete the complaint. If the Complainant fails to complete the complaint form, the ADA Coordinator shall close the complaint without prejudice.

Step 2: Consideration of Complaint

The ADA Coordinator will oversee the investigation of the complaint. Within thirty (30) days of receipt of the complaint, the ADA Coordinator or his or her designee will respond to the complaint in writing or a reasonable alternative format if requested. The response will explain the position of the City with respect to the complaint and offer options for a reasonable solution.

Step 3: Appeals

If the response of the ADA Coordinator does not satisfactorily resolve the issue, the Complainant, or his/her designee, may appeal the decision to the City Manager. The request for appeal must be made within fifteen (15) days of the date of the ADA Coordinator's decision.

Within thirty (30) days after receipt of the request for appeal, the City Manager (or his/her designee) will conduct a hearing to consider the appeal. Within thirty (30) days of the hearing, the City Manager (or his/her designee) will issue a final determination of the complaint. The decision on the appeal will be in writing and, when requested, in a reasonable alternative format.

V. SUMMARY

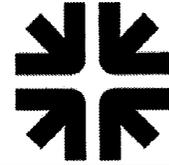
The City of Emeryville is dedicated to ensuring that all City programs, benefits, activities, and facilities are fully accessible to and useable by persons with disabilities. The ADA Coordinator is here to serve the community as a whole to coordinate and ensure equal access for all. Any questions or concerns about accessibility issues regarding City programs and services should be directed to the City of Emeryville ADA Coordinator.


Patrick O'Keeffe, City Manager

Attachments:

- Request for Accommodation or Barrier Removal Form
- Complaint Form

CITY OF EMERYVILLE



ADMINISTRATIVE INSTRUCTION

SUBJECT: ADA Grievance Procedure No. 113

REFERENCE: AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973

SUPERSEDE: NONE **DATE:** November 14, 2005

I. PURPOSE

The purpose of this policy is to:

1. Comply with Section 504 Title V, Subsection 84.7 (b) of the Rehabilitation Act of 1973, as amended, and its implementing regulations which specify that disabled persons are entitled to file complaints alleging that they have been excluded from participation in, have been denied the benefits of, or have been subjected to discrimination under any program or activity receiving Federal financial assistance solely by reason of his/her disability; and
2. Comply with the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act ("ADA") (28 CFR Part 35). This specifies that disabled persons are entitled to file complaints alleging that, solely by reason of disability, they have been excluded from participation in, have been denied the benefits of, or have been subjected to discrimination in programs or activities sponsored by a public entity; and
3. Ensure that complaints will be processed in an orderly fashion, allowing a complete and impartial investigation and resolution within a reasonable period of time; and
4. Ensure that information and assistance will be provided to disabled persons, resulting in the orderly processing of the complaint(s).

There is a separate complaint procedure for ADA issues relating to employment issues. Please contact the Human Resources Director for further information.

II. POLICY

It shall be policy of the City of Emeryville ("City") to ensure:

1. That all services and programs are available to a disabled person in the same manner as accorded to all other residents of the City; and
2. That complaints from a disabled person alleging discrimination with respect to access to City services and programs are processed quickly and fairly.

These procedures apply to all services and programs administered by the City.

III. LEGAL BASIS

1. Discrimination Prohibited

Section 504, Title V of the Rehabilitation Act of 1973 (29 USC 794), as amended, specifies:
“No otherwise qualified disabled individual in the United States., shall, solely by his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

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Sections 11135-11139.5 of the California Government Code specifies:
“No disabled person in California may be subjected to discrimination under any program or activity that receives any financial assistance from the State.”

2. Designation of Responsible Employee

Section 504, Title V, Subsection 84.7 (a) specifies:
“A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this [part].”

Title II of the Americans with Disabilities Act, section 35.107 (a) specifies:
“A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part.”

The ADA Coordinator is a Management of Emeryville Services Authority (MESA) employee appointed by the City Manager to ensure compliance with Section 504 and the ADA within the City.

3. Adoption of Grievance Procedures

Section 504, Title V, Subsection 84.6 (b) specifies:
“A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints, alleging any action prohibited by this part.”

Title II of the Americans with Disabilities Act, section 35.107 (b) specifies:
“A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.”

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1. ADA Auxiliary Aids & Services or Barrier Removal

A person who requires an accommodation, an auxiliary aid or service to participate in a City program, service, or activity, or who requests a modification of policies or procedures should submit a Request for Accommodation or Barrier Removal Form (attached) to the ADA Coordinator. The Request Form should be submitted as far in advance as possible before the scheduled event. The best effort to fulfill the request will be made.

An individual may also submit a Request for Accommodation or Barrier Removal Form when seeking the removal of a physical barrier in order to gain or improve access. Request forms and other information are available from the City of Emeryville, ADA Coordinator, 1333 Park Avenue, Emeryville, CA 94608, during regular business hours, via fax, mail or electronic mail. Other arrangements for submitting a request, such as personal interviews or tape recordings, as well as assistance in completing the form, are available by contacting the ADA Coordinator.

The City will review the request and notify the requesting party of the City's proposed resolution. The City's notification will be in writing or a reasonable alternative format if requested. If an individual feels that the City's response is unsatisfactory, he or she may submit a formal complaint following the Formal Complaint Procedure, below.

2. Formal Complaint Procedures

The City has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and state disability rights. The following is designed to meet requirements of both §504 of the Rehabilitation Act of 1973, as amended, and Title II of the ADA. This procedure is available for any individual who wishes to file a complaint alleging discrimination by the City based on disability, regarding access to the government services, programs, and facilities of the City. It is unlawful for the City of Emeryville to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

There is a separate complaint procedure for ADA issues relating to employment issues. Please contact the Human Resources Director for further information.

The availability and use of this grievance procedure via submission of a Complaint Form (attached) does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

A grievance may be in writing, tape recording, or any other device, containing the name, address and telephone number of the person filing it (the Complainant). The grievance shall state the problem or action alleged to be discriminatory and the remedy or relief sought by the complainant.

Grievances shall be processed in the following manner:

Step 1: Submission of Complaint

The complaint should contain as much information as possible about the alleged discrimination. The Complainant or his/her representative should file a Complaint Form with the ADA Coordinator no later than **30 days** from the date of the alleged discrimination. The City of Emeryville Complaint Form is available at City Hall during regular business hours via fax, mail or electronic mail. Other arrangements for submitting a request, such as personal interviews or tape recordings, as well as assistance in completing the form, are available by contacting the ADA Coordinator.

The ADA Coordinator will notify the Complainant in writing of any additional information that is needed to complete the complaint. If the Complainant fails to complete the complaint form, the ADA Coordinator shall close the complaint without prejudice.

Step 2: Consideration of Complaint

The ADA Coordinator will oversee the investigation of the complaint. Within thirty (30) days of receipt of the complaint, the ADA Coordinator or his or her designee will respond to the complaint in writing or a reasonable alternative format if requested. The response will explain the position of the City with respect to the complaint and offer options for a reasonable solution.

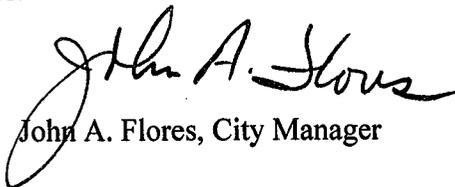
Step 3: Appeals

If the response of the ADA Coordinator does not satisfactorily resolve the issue, the Complainant, or his/her designee, may appeal the decision to the City Manager. The request for appeal must be made within fifteen (15) days of the date of the ADA Coordinator's decision.

Within thirty (30) days after receipt of the request for appeal, the City Manager (or his/her designee) will conduct a hearing to consider the appeal. Within thirty (30) days of the hearing, the City Manager (or his/her designee) will issue a final determination of the complaint. The decision on the appeal will be in writing and, when requested, in a reasonable alternative format.

V. SUMMARY

The City of Emeryville is dedicated to ensuring that all City programs, benefits, activities, and facilities are fully accessible to and useable by persons with disabilities. The ADA Coordinator is here to serve the community as a whole to coordinate and ensure equal access for all. Any questions or concerns about accessibility issues regarding City programs and services should be directed to the City of Emeryville ADA Coordinator.



John A. Flores, City Manager

Attachments:

- ADA Grievance Procedure
- Request for Accommodation or Barrier Removal Form
- Complaint Form

Appendix A.7 – PowerPoint Training Overview



ADA Staff Training

Typecasting: Understanding Disability

Dominique B. Burton, ADA Coordinator
City of Emeryville
August, 2010

Objectives

- To identify and dispel myths, stereotypes and common misperceptions concerning people with disabilities.
- What is the ADA? Why is it important?
- To understand the concept of reasonable accommodation, its process, and the circumstances under which it is required.
- To learn effective communication techniques and disability etiquette.

What is your initial
impression of me?



Stereotypes are:

Assumptions that are made about a person or group's character or attributes, based on a general image of a particular group of people.

**When you see a person
with a disability,
presume competence.**

From: Snow, Kathy, Disability is Natural, 2001

EEOC Complaints

- 2008: 95,402 Total
- Categories include:
 - Age
 - Religion
 - Race
 - Disability (20.4%)
 - Sex
 - National Origin
 - Retaliation

EEOC only assist in claims alleging discrimination against employees or applicants for employment.

Now, imagine how many people with disabilities encounter daily discrimination for which there's no agency to complain to?

Disability Data....

- **41.2 million** people have some level of disability. They represent **15%** of the civilian non-institutionalized population 5 and older.
 - 6% of children 5-15, 12% of people 16 – 64 & 41% of adults 65 & older have disabilities.
- **11 million** people need/use assistance with everyday activities.
- **3.3 million** 15 and older use wheelchairs. Another 10.2 million use ambulatory aids. (cane, crutches or walkers)
- **16.1 million** people with limitations in cognitive functions, or who have a mental/emotional illness that interferes with daily activities.

Definition of Disability:

An Individual with a disability is one who:

- has
 - has a record of, or
 - is regarded as having
- a physical or mental impairment that substantially limits a major life activity.

Major Life Activities

These are basic activities that the average person in the general population can perform with little or no difficulty.

- Caring for Oneself
- Performing Manual Tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Concentrating
- Learning
- Working
- Sitting
- Standing
- Lifting

What if, the shoe were on the other foot?



What is the ADA?

The Americans with Disabilities Act (ADA)

- In 1990, President George H.W. Bush signed into law the ADA, guaranteeing equal opportunity for people with disabilities in public accommodations, commercial facilities, employment, transportation, state and local government services, and telecommunications.
- Of the five titles in the act our focus today is primarily Title II - Public Services as a local agency.

Title II: Summary

- The ADA addresses services and activities of State and local governments, including public transportation provided by public entities. The transportation provisions of the Act are intended to improve access in vehicles, facilities, and systems.
- Title II requires that all public entities provide "program accessibility" to people with disabilities. It also requires that State and local governments modify policies, practices, and procedures to prevent discrimination against people with disabilities. Finally, Title II requires public entities to ensure effective communication with people with sensory disabilities (e.g. blindness or deafness).

Title II: Summary Cont'd

- Title II of the Americans with Disabilities Act, section 35.107 (a) specifies: "A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part."
- Adopt and publish Grievance Procedures providing for prompt and equitable resolution of complaints.
- See Administrative Instruction No. 113 for more information.

ADA Coordinator?

- Ensure all programs, services and activities of the City of Emeryville are accessible to and usable by individuals with disabilities.
- Investigate and respond to any allegations of discrimination, reasonable accommodation request and grievances.
- Perform plan checks of PROW improvements and upgrades of City facilities.
- Prepare the Self-Evaluation & Transition Plan.
- Provide information & training to staff.

Reasonable Accommodations?

Reasonable Accommodation is a modification or adjustment that enables a person with a disability to enjoy the same benefits and privileges as others in the use of City programs, facilities and services.

- Be aware... you may be requested &/or required at anytime to remove a barrier or provide assistance.

Vision Impairments	<ul style="list-style-type: none"> - "Talking" computers & calculators - Providing written materials in Braille and/or larger print - Respond to questions orally - Avoid clutter in passageways - Use writing, drawing, optical aids (e.g. magnifiers)
Deaf & Hearing Impaired	<ul style="list-style-type: none"> - Use of amplification devices - Installation of TDD/TTY - Publication of written announcements - Allow mail-in-procedures to be used - Policy accommodating lip readers - Use visual cues for signage
Mobility Impairments	<ul style="list-style-type: none"> - Change location of meetings to accessible locations - Replace existing hardware, equipment - Make necessary structural changes to eliminate barriers (i.e. install ramps &/ widen doorways)

Reasonable Accommodations:

Request for Auxiliary Aids & Services or Barrier Removal

Anyone who requires an accommodation, an auxiliary aid or service to participate in a City program, service, or activity, or who requests a modification of policies or procedures and those seeking the removal of a physical barrier in order to gain or improve access **should** submit a Request for Accommodation Form to the ADA Coordinator. The Request Form should be submitted as far in advance as possible before the scheduled event.

Other arrangements for submitting a request, such as personal interviews or tape recordings, as well as assistance in completing the form, are available by contacting the ADA Coordinator.

The City will review the request and notify the requesting party of the City's proposed resolution. The City's notification will be in writing or any reasonable alternative format, if requested. If an individual feels that the response is unsatisfactory, he or she may submit a formal complaint following the Formal Complaint Procedure.

NOTE: Under Federal Fair Housing Amendments (FHA) And California Fair Employment & Housing Act (FEHA) there are separate Fair Housing Accommodation procedures and forms, see ADA Coordinator's Webpage.

CITY OF EMERYVILLE Americans with Disabilities Act & Section 504 of the Rehabilitation Act of 1973 Request for Accommodation or Barrier Removal

Who is a Qualified Individual with Disabilities?

- Title II of the ADA provides comprehensive civil rights protections for "qualified individuals with disabilities."

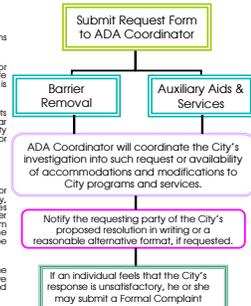
- An individual with a disability is one who has a physical or mental impairment that substantially limits a "major life activity," or has a record of such an impairment, or is regarded as having such an impairment.

- A "qualified" individual with a disability is one who meets the essential eligibility requirements for the particular City program or activity. These essential eligibility requirements will depend upon the type of service or activity involved.

Request for Accommodations or Removal:

- A person who requires an accommodation, an auxiliary aid or service to participate in a City program, service, or activity, or who requests a modification of policies or procedures should submit a Request for Accommodation or Barrier Removal Form to the ADA Coordinator. The Request Form should be submitted as far in advance as possible before the scheduled event. The best effort to fulfill the request will be made.

- An individual may also submit a Request Form when seeking the removal of a physical barrier in order to gain or improve access to public facilities, including the City Streets and Sidewalks.



CITY OF EMERYVILLE
INCORPORATED 1946
 1000 WILSON AVENUE, SUITE 200, EMERYVILLE, OHIO 44024
 (440) 325-4400 • FAX (440) 325-4401
 WWW.CITYOFEMERYVILLE.ORG

REQUEST FOR ACCOMMODATION OR BARRIER REMOVAL

Check one: Accommodation Barrier Removal

Name of Complainant: Last _____ MI _____ First _____
 Address _____
 City _____ State _____ Zip _____
 Telephone Number: _____ E-mail Address: _____
 Preferred Method(s) of Communication (Check all that apply):
 Voice Telephone TTY CBE Email US MAIL & Other _____
 Accommodation needed or location of barrier: _____
 Brief statement of why the accommodation is needed or the barrier removed: _____

NOTE: Barrier Removal requests are conducted and prioritized by the City with regard to budget and scheduled projects.
 Date accommodation is needed: _____

CERTIFICATION: I certify that I have a disability or medical condition that requires reasonable accommodation, which will be met by acquiring the equipment, services, or work adjustments described above.

Signature: _____ Date: _____
 If person seeking accommodation is not the individual completing this form, please provide Representative's Name: _____ Telephone Number: _____
 Address: _____ Telephone Number: _____

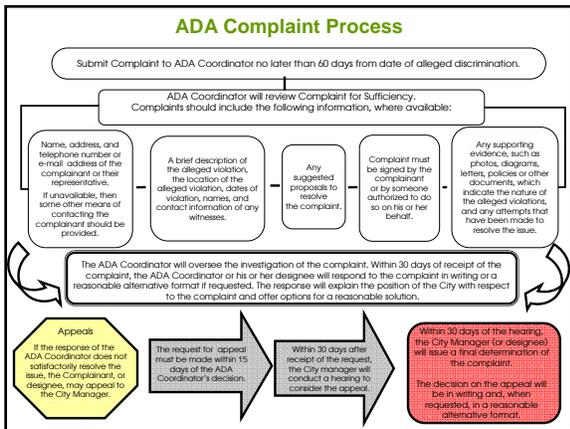
For more information or assistance in completing this form, please contact the ADA Coordinator at (Area) 325-4400 (TTY Relay) 711 or Disability@emeryville.org

Grievance Procedures

Formal Complaint Procedures

The City has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and state disability rights. The following is designed to meet requirements of both 504 of the Rehabilitation Act of 1973, as amended, and Title II of the ADA.

This procedure is available for any individual who wishes to file a complaint alleging discrimination by the City based on disability, regarding access to the government services, programs, and facilities of the City. It is unlawful for the City of Emeryville to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.



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GRIEVANCE FORM

I. COMPLAINANT INFORMATION

Name of Complainant: Last _____ MI _____ First _____
 Address _____
 City _____ State _____ Zip _____
 Telephone Number: _____ E-mail Address: _____
 Preferred Method(s) of Communication (Check all that apply):
 Voice Telephone TTY CBE Email US MAIL & Other _____

II. DESCRIBE YOUR COMPLAINT OF DISCRIMINATION BASED UPON DISABILITY
In general, all jobs, benefits, benefits and benefits. Use the reverse side of the sheet or attached page(s) if needed.

III. PERSONS NAMED IN YOUR COMPLAINT: List the names of the individual(s) named in your complaint. Submit the job title and City Agency, Department or Division of City employees, if possible.

Signature: _____ Date: _____
 If person seeking accommodation is not the individual completing this form, please provide Representative's Name: _____ Telephone Number: _____
 Address: _____ Telephone Number: _____

CERTIFICATION: I hereby certify that the information and responses provided above are true.

For more information or assistance in completing this form, please contact the ADA Coordinator at (Area) 325-4400 (TTY Relay) 711 or Disability@emeryville.org

Each of us has an AFFIRMATIVE DUTY to:

- Provide assistance to the public in a respectful and caring manner without regard to gender, race, nationality, sexual orientation nor DISABILITIES
- Be considerate & offer the assistance required for persons with disabilities to fully participate in our programs/services at no additional cost to them
- Not only report misconduct or discriminatory treatment but to provide a remedy to such situations by stepping in or informing staff of better ways to handle the situation
- Be a part of the Solution and ready to remedy a situation on the spot

Hearing Impairments

- Don't question the person's disability. Hearing disabilities are invisible.
- Don't regard the use of a hearing aid as a tragedy, as there is no sign of the degree of hearing the person may have. Hearing aids are an unreliable indication of how much a person is able to hear. Many deaf and hearing impaired people do not wear hearing aids.
- Don't direct questions through their companion or an interpreter
- Use ordinary language when directing or describing and be specific. Use gestures and if needed write your message down.

Hearing Impairments cont'd

- Look directly at the person while speaking.

Do not assume a lip reader, can understand everything. Only 30% of speech is discernible by lips.



Physical Impairments

Lack of mobility may be caused by nervous system damage, muscular-skeletal injury, disease, aging, accident, or may be a result of an act of violence. Devices include wheelchairs, canes, motorized scooters, braces, and walkers indicate physical impairments.

- Take a person with mobility impairment as you would anyone else. Do not take a condescending position, and do not lean on their device (i.e. wheelchair).
- Be aware of what is accessible and what is not accessible to people with physical impairments.
- Give a push only when asked.



When talking with a person who uses a wheelchair, it is preferable to sit or crouch down in order to talk face-to-face.

Photo Courtesy of Indiana University.



Vision Impairments

Some indications that a person may be blind or visually impaired could be the use of a white cane, guide dog or other service animal, jerky motion of the eyes, positioning themselves close to material to read, or they may rock back & forth when standing.

- Introduce yourself and remember the person's name. Address the person by name when initiating a conversation. Otherwise, he may not realize to whom you are talking.
- When handing objects to someone who is visually impaired, tell her you are doing so and then place it in her hands.
- If you must assist, offer your arm and let the individual take it; do not lead or grab the person's arm, clothing or cane.
- Check with the person before touching his/her person or service animal. The animal, by nature and training, is protective of his/her owner.
- Do not shout but, do give the individual verbal cues and explain in detail obstacles and if you are leaving, moving, etc.

Service Animals- includes any animal individually trained to do work/perform task for the benefit of an individual with a disability.

- Service animals are not pets and must be allowed access to public entities and public accommodations.
- Service animals assist persons with various disabilities some of which are apparent or invisible.
- Never touch a service animal or the person it assists without permission. Service animals are working so do not distract them as loss of their concentration could put their owners in danger.
- A service animal is not required to have any special certification, clothing or collar.
- It is illegal to interfere with the use of a service animal. PC §365.6 It is also, illegal to deny access to a disabled person because of a service animal in a public conveyance or accommodation. PC §365.5
- You may ask if the animal is a pet or service animal. You should not ask a person about their disability however, you can ask how the animal assists that person. Individuals are not required to provide proof that they need the assistance of a service animal.

Etiquette:

Communication & Interaction

Instead Of...

- A. Handicapped or the disabled
- B. Mute or dumb
- C. Dwarf or midget
- D. Emotionally disturbed
- E. Autistic
- F. Suffers from, victim of
- G. Learning disabled
- H. Normal
- I. Birth defect
- J. Retarded
- K. Handicapped parking
- L. Epileptic
- M. Quadriplegic, paraplegic
- N. Mongoloid or downs
- O. Developmentally delayed
- P. Confined to a wheelchair

Say...

- Person with a disability
- Non-verbal
- Person of short stature
- Person with an emotional disability
- Person with autism
- Person has...
- Person with a learning disability
- Person without a disability
- Person with a congenital disability
- Person with mental retardation
- Accessible parking
- Person with epilepsy
- Person with quadriplegia
- Person with Down syndrome
- Person with a developmental delay
- Person who uses a wheelchair

Etiquette Techniques

1. Offer your hand as you would anyone.
2. Maintain eye contact with the person who is deaf.
3. Any, a combination, or all of these answers may be appropriate, depending on the person and the circumstances. The best recommendation is to use your judgment based on the individual situation.
4. False.
5. Offer to assist the person.
6. State what you understood and ask the person to repeat the rest of the information.
7. True.



THE TEN COMMANDMENTS of COMMUNICATING with PEOPLE with DISABILITIES



COMMANDMENT I

Speak Directly.

Speak directly to the individual with a disability rather than through a companion or sign language interpreter who may be present.

COMMANDMENT II

Offer to shake hands when introduced.

People with limited hand use or an artificial limb can usually shake hands and offering the left hand is an acceptable greeting.

COMMANDMENT III

Always identify yourself and others who may be with you when meeting someone with a visual disability.

When conversing in a group, remember to identify the person to whom you are speaking.

When dining with a friend who has a visual disability, ask if you can describe what is on his or her plate.

Speak Directly.

COMMANDMENT IV

If you offer assistance, wait until the offer is accepted.

Then listen or ask for instructions.

COMMANDMENT V

Treat adults as adults.

Address people with disabilities by their first names only when extending that same familiarity to all others.

Never patronize people in wheelchairs by patting them on the head or shoulder.

COMMANDMENT VI

Do not lean against or hang on someone's wheelchair.

Bear in mind that people with disabilities treat their chairs as extensions of their bodies. And so do people with service animals.

Never distract a service animal from their job without the owner's permission.

COMMANDMENT VII
Listen attentively when talking with people who have difficulty speaking and wait for them to finish.

If necessary, ask short questions that require short answers, or a nod of the head. Never pretend to understand; instead repeat what you have understood and allow the person to respond.

COMMANDMENT VIII

Place yourself at eye level when speaking with someone in a wheelchair or on crutches.

COMMANDMENT XI
Tap a person who has a hearing disability on the shoulder or wave your hand to get his or her attention.

Look directly at the person and speak clearly, slowly, and expressively to establish if the person can read your lips. If so, try to face the light source and keep hands, cigarettes and food away from your mouth when speaking. If a person is wearing a hearing aid, don't assume that they have the ability to discriminate your speaking voice. Never shout at a person. Just speak in a normal tone of voice.

COMMANDMENT X

Relax.

Don't be embarrassed if you happen to use common expressions, such as "See you later" or "Did you hear about this?" that seem to relate to a person's disability.

Public Rights Of Way Safety

- As City employees we owe a duty to this community to make sure it is safe and accessible.
- So, when you see a problem at City facilities, streets and sidewalk...Please, report or correct it!



CREDIT

- Workforce Discovery – Diversity & Disability in the Workplace
- Videos regarding Etiquette & Persons with Disabilities:
<http://www.youtube.com/watch?v=ubb1k5m3Ouc>
<http://www.youtube.com/watch?v=DoedD0PuWfw>
<http://www.youtube.com/watch?v=opqUMJXTYY>
<http://www.youtube.com/watch?v=mVqz0LKphws>
- *The Ten Commandments were adapted from many sources as a public service by United Cerebral Palsy Associations, Inc (UCPA). Irene M. Ward & Associated updated UCPA's version of The Ten Commandments as a public service and to provide the most current language possible for the video entitled, The Ten Commandments of Communicating with People with Disabilities.*



ADA Training: Temporary Facilities and Construction Site Safety

Dominique B. Burton, ADA Coordinator

ARRGH! Another Training Session!



WHY AM I HERE?

The City has an affirmative duty to ensure that individuals with disabilities are provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits (i.e. STREETS & SIDEWALKS), and services pursuant to Title II of the Americans with Disabilities Act ("ADA").

Hence, as a City employee each of us owes a duty to this community to make sure it's safe & accessible. So, when you see a problem on City streets and sidewalk...Please, report or correct it!

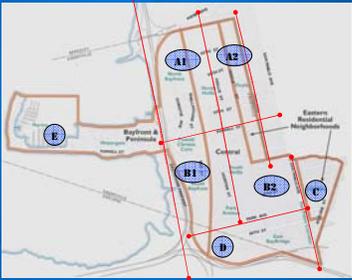


Title II of the Americans with Disabilities Act

The ADA is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to public facilities, among other things. In compliance with the ADA, the City is in the process of updating its ADA Self Evaluation and Transition Plan to ensure that its facilities within the public right of way, as well as other City facilities, are accessible to people with disabilities. **This includes pedestrian access to sidewalks and streets, including crosswalks, curb ramps, parking and other components of the right-of-way.** See *Barden v. City of Sacramento*, 292 F.3d 1073(9th Cir. 2002)

All persons working within the public right-of-way must comply with the requirements of the Americans with Disabilities Act (ADA). If their work in the public right-of-way will affect pedestrian access, the City, contractors/developers and utility companies are required to provide a properly signed accessible route of travel. In other words, all facilities, including those in the public right-of-way, must accommodate disabled pedestrians.

ADA Transition Plan: STREET, SIDEWALK and CURB RAMP SELF-EVALUATION



Sally Swanson Architects, Inc. has performed a sidewalk, street and curb ramp inventory. The inventory details each item found to be in noncompliance with ADAAG and Title 24 within the City.

Public Rights Of Way Safety

- What's wrong with this photos?



Temporary Closures: Construction & Maintenance Projects

- Sites must provide a continuous, safe and accessible path of travel.
- Avoid displacing pedestrians and take particular care that our seniors, disabled and children are not placed in dangerous situations.

Construction Site Dangers



Pedestrian zone reduced or blocked by materials or equipment

Guidelines for Closures

- An alternate route should be provided whenever the pedestrian access route is blocked.
- Advanced warning signs shall be provided when an alternate circulation path is provided or where barricades are constructed blocking the public right-of-way (PROW).
- Temporary facilities in the PROW must conform to the requirements for permanent facilities under accessibility laws.

SIGNAGE

- Provide advance notice to users of sidewalk closures. Directional signs should inform users of closures at safe and accessible means to alternative routes.
- MUST post and maintain the appropriate pedestrian signs, including but not limited to “SIDEWALK CLOSED AHEAD/USE OTHER SIDE”, “SIDEWALK CLOSED”, “NO PEDESTRIAN CROSSING” and directional signage indicating alternative accessible paths such as, “USE  or  ” (See MUTCD).

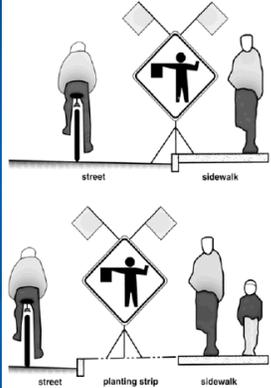
R9-9
SIDEWALK CLOSED

R9-10
SIDEWALK CLOSED AHEAD
USE OTHER SIDE

R9-11
SIDEWALK CLOSED AHEAD
CROSS HERE

R9-11a
SIDEWALK CLOSED
CROSS HERE

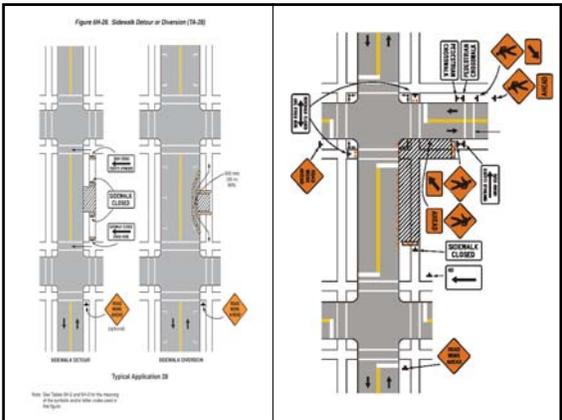
Example of Pedestrian Signs

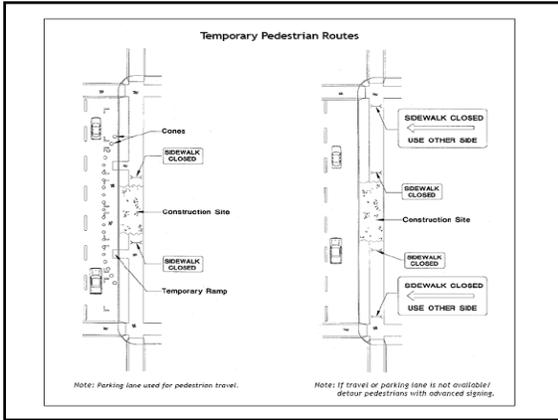


The placement of advance construction signs should obstruct neither the pedestrian's nor the bicyclist's path.

Where this is not possible, placing signs half on the sidewalk and half on the roadway may be the best solution.

CAUTION: At least 48" of sidewalk must remain available.





Barricading Methods & Materials

- A-Frames:** When using A-frames for defining a path-of-travel, not barricading trenches from vehicular travel, A-frames shall be placed end to end (no spacing between barricades allowed). This will help a person with vision impairments negotiate a safe path-of-travel. Openings between A-frames will give confusing signals to a person with vision impairments and using a "walking cane" or "white cane". If using A-frames, all must be connected in a way to ensure that individual A-frames do not move out of place or separate. As an example of an acceptable connection, A-frames may be connected by 2x4" that are attached to the base of the barricade system.

- Barrier Caution Tape:** Caution tape does not provide an adequate barricade and cannot be used to delineate path-of-travel (but can be used in other areas to highlight danger). It can be used in conjunction with barricades such as A-frames.

- Merely placing caution tape & traffic cones is not acceptable.**

The removal, even for only a short time, of a pedestrian access route, curb ramp, or pedestrian street crossing may severely limit or totally preclude a person with a disability from navigating in the public way. It may also preclude access to buildings, facilities, or sites on adjacent properties.

CORRECT

- Fencing Material:** When using fencing material (i.e., chain link, plastic, etc.) the bottom 3 inches at a minimum should be solid. This base will act as a guide to persons with vision impairments using canes. Otherwise, walking canes could get caught in fencing. A safe design can be achieved by attaching a solid material (i.e., wood, header bender board, sheet metal, solid rod or rail, etc.) to the bottom portion of the fence. Chosen material should have a high visual contrast to the street/sidewalk surface.

Persons with Vision Impairments (PVI)

- Why should at a minimum the bottom 3 inches on fencing materials be solid?**
- Why require barricades be attached to each other?**

To ensure A-frames are not moved out of place, separated or become obstructions. PVI will not be provided proper advance notice unless a solid and continuous bottom rail such as 2x4's or other material of high contrast is attached to the base of the barricade. Improper placement creates potential liability as one could trip and fall.

Alternative Accessible Routes

Barriers defining the alternate route should:

- Be a minimum of 36-42 inches in height and continuous with the ground surface.
- Extend around the entire perimeter of the construction site or entire length of the alternate circulation route.
- Provide advance notice to users of sidewalk closures.

LET'S TRY A FEW EXAMPLES!

WHAT'S RIGHT?

Example of Proper Toe & Protective Railing

Design Solutions – Protect Pedestrians

Safety Designs should never increase hazards to pedestrians.
Left: Blocks are creating trip hazards vs.
Right: Turn protruding blocks and make them visible

Closed Crosswalks: Temporary Ramps

If a crosswalk is closed due to construction, then curb ramps leading into that crosswalk should also be appropriately barricaded.

Temporary curb ramps must be installed in the direction of the crosswalk to replace barricaded ramps.

Note that curb ramps are not used solely by persons in wheelchairs. They are also indicators to persons who are blind that a crosswalk exists and that there is a safe path-of-travel to cross the street.

Temporary curb ramps should direct blind pedestrians to and through the temporary path-of-travel.

Street Trees & Landscaping

Below are illustrations of proper landscaping along public right of ways. Adhering to these standards will assist in the accessibility and safety of this community especially, for persons with disabilities.

3 ft. of clearances between sidewalk and landscaping will assist persons with disabilities from potential hazards.



Min. 80" or (7ft) required vertical clearance from sidewalk.



Landscaping should not interfere with use of the sidewalk.

Thank You!

If you have any questions or wish to report an incident please feel free to contact me at
510.596.4380 or
dburton@emeryville.org

Appendix B – Facility Survey Form

The following site survey provides guidelines that are required at all City facilities. All services provided by governments to the public must be accessible. This includes city offices whether publicly or privately owned. Please, complete the attached survey and return form by **October 13, 2008**.

The survey shows 2007 CBC regulations however, other standards depending on year of construction would control, in this instance please, note in comments the distinction/standard used and reasoning. Thank you for your attention to this matter, in advance.

- | | |
|--|---|
| <input type="checkbox"/> City Hall, 1333 Park Ave. | <input type="checkbox"/> Senior Center, 4321 Salem St. |
| <input type="checkbox"/> Child Development Center, 1220 53 rd St. | <input type="checkbox"/> Recreation Center, 4300 San Pablo Ave. |
| <input type="checkbox"/> EFD - Station #1, 2333 Powell St. | <input type="checkbox"/> PW Corp Yard, 5679 Horton St. |
| <input type="checkbox"/> EFD - Station #2, 6303 Hollis St. | <input type="checkbox"/> Emery High Pool |
| <input type="checkbox"/> EPD, 2449 Powell St. | <input type="checkbox"/> Summer Extension @ BayBridge |

I. Site Development: Ingress and egress must be accessible including, at least one accessible route via normal path of travel from public right of way or sidewalk, passenger-loading zones, nearby public transportation and from accessible parking spaces.

ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
Doors		
<ul style="list-style-type: none"> • CBC 1133B.2.2 - 3' in width & 6-8' in height 		
<ul style="list-style-type: none"> • Clear, unobstructed opening width of 32" w/ opening 90° 		
Counter 4.32.2		
<ul style="list-style-type: none"> • 28- 34" max. height to counter or rim from floor. • Knee clearance under counter is min. 37" high by 30" wide with absolute depth of 19" 		

II. Walks & Sidewalks: [ADA 4.5](#) & [CBC 1124B.1](#) Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs and curb ramps, shall be stable, firm and slip-resistant.

<ul style="list-style-type: none"> • Changes in level between ¼ & ½" shall be bevelled with a slope no greater than 1:2. 		
<ul style="list-style-type: none"> • Changes up to ¼" may be vertical & w/o edge treatment. • Changes greater than 1/2" use ramp, etc. 1124B.2 		
<ul style="list-style-type: none"> • Any grating in walking surface should have grid openings a max. ½" wide in one direction. 		
<ul style="list-style-type: none"> • 36" wide truncated surface (for length of pedestrian walkway) whenever there is no curb, railing or other element separating vehicular area & pedestrian walkway 4.29.5		

ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
Walkways ADA 4.3 & CBC 1133.B.7.1		
<ul style="list-style-type: none"> Width: 48" (Note: where such a route has less than 60" clear width than passing space of @ min. 60 x 60" at least every 200" – T Intersection) 		
<ul style="list-style-type: none"> Cross Slope not to exceed 1:50 gradient (2.0%) 4.3.7 		
<ul style="list-style-type: none"> Accessible entrance must be identified with at least one standard sign with additional directional signs, as required, visible from approaching pedestrian ways. 		

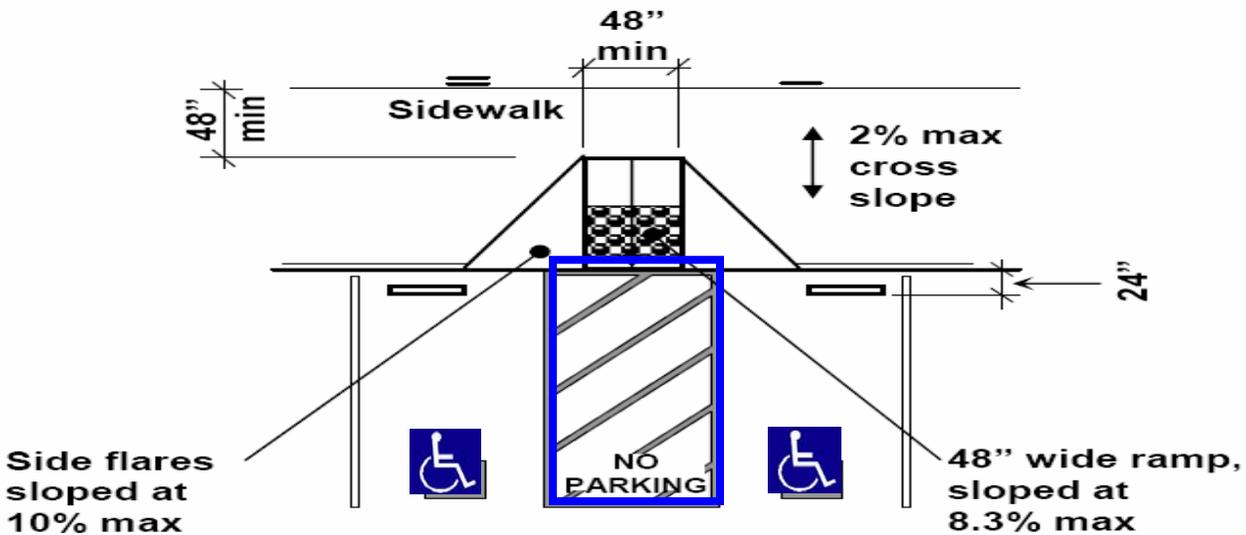
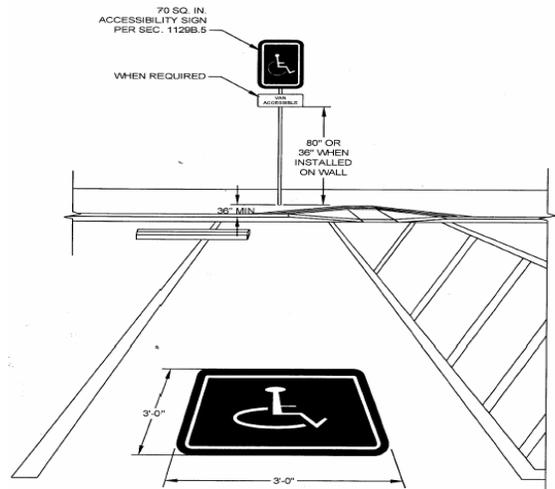
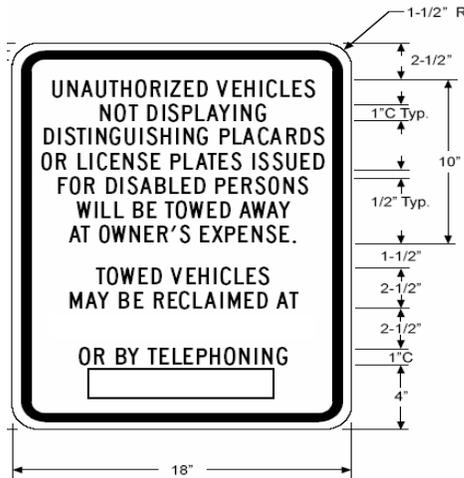
III. Pedestrian Ramps: [ADA 4.8](#) & [CBC 1135B.5](#) Any path of travel or part of an accessible route shall be considered a ramp if its slope is greater than a 1:20 gradient or 5%.

<ul style="list-style-type: none"> Least possible slope shall be used on all ramps. Max. rise for any run shall be 30" <p>New Construction: Max. slope shall be 1:12</p> <p>Existing Sites: if space restrictions prohibit use of a 1:12 slope or less then, see 4.1.6(3)(a)(i) slope b/w 1:10 - 1:12 OK for max. rise of 6" or (ii) slope b/w 1:8 - 1:10 OK for max. rise of 3". A slope steeper than 1:8 isn't allowed.</p>		
<ul style="list-style-type: none"> Width: 48" 1133B.5.3 however, if the ramp serves as the only means to exit a building or serves an occupant load of 300 or + then a min clear width of 60" is required. 		
<ul style="list-style-type: none"> Handrails on both sides are required on ped. ramps that provide access except, that at exterior door landings, handrails aren't req. on ramps less than 6" rise or horizontal projection less than 72" 4.8.5 		
<ul style="list-style-type: none"> Cross Slope no greater than 1:50. 4.8.6 		
<ul style="list-style-type: none"> Bottom & intermediate landings are @ least as wide as required ramp width. Intermediate landings are a min. 60" long in ramp direction. Interm. landings where the ramp changes direction are 60 x 60". 4.8.4 		
<ul style="list-style-type: none"> Ramps and landings with drop offs shall have curb/wall/railing/guide rail or curb a min of 2" in height on both sides that prevents slipping off ramp. 4.8.7 		
<ul style="list-style-type: none"> Outdoor ramps and approaches shall be designed so water will not accumulate on walking surface. 4.8.8 		

IV. Parking: [ADA 4.6](#) & [CBC 1129B](#)

<ul style="list-style-type: none"> Min. # of Accessible Spaces 1 accessible space if total # is 1-25, 2 accessible if 26-50, 3 accessible if 51-75, & 4 if 76-100. 		
<ul style="list-style-type: none"> Spaces located on shortest accessible route from accessible parking to accessible entrance. 4.6.2 & 1129B.1 		
<ul style="list-style-type: none"> Parking Space Width 9' – 1129B.3 		

ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<ul style="list-style-type: none"> • Passenger Loading Zone: 5' wide & 20' long – 4.6.6 • Exception: ADA requires at least 1 space be van accessible which, requires 98' loading zone – 4.6.5 		
<p>Signage 1129B.4</p> <ul style="list-style-type: none"> • Access Aisle requires NO PARKING 12" letters • Blue Border around aisle with hatched lines a max. of 36' on center painted in contrasting color white/ blue • Int'l Disabled Parking, Minimum Fine, Van Accessible & Tow Away Sign @ 80" or 36" on wall 		
<ul style="list-style-type: none"> • Identify any signage referencing HANDICAP. This term is disparaging and shall be removed. 		



V. Curb Ramps: ADA 4.7 & CBC 1127B.5

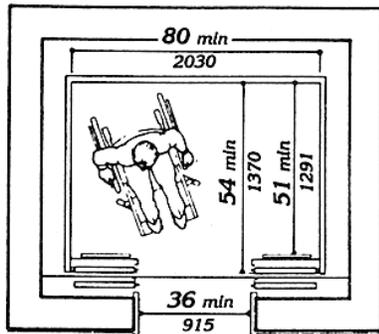
ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<ul style="list-style-type: none"> Width: 4' Flared Sides 1:10 Slope: Shall not exceed 1:12 1127B.5.3 		
<ul style="list-style-type: none"> Transitions from ramp to walks, gutters, & streets are flush and free of abrupt changes. (Do not follow CA ½" bevelled lip) 4.7.2 		
<ul style="list-style-type: none"> Built-up Curb Ramps are NOT ALLOWED to encroach into loading zones & vehicular traffic lanes. 		
<ul style="list-style-type: none"> Detectable Warning the full width & depth of the curb ramp (not pedestrian ramps), excluding flared sides, inside the grooved border. 		

VI. Stairways: ADA 4.9 & CBC 1133B.4

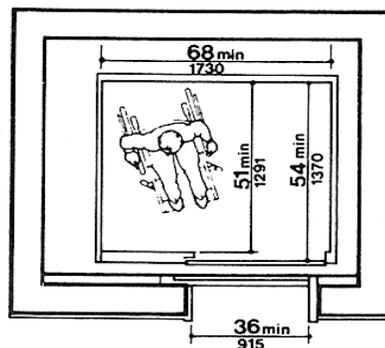
<ul style="list-style-type: none"> Handrails are 34-38" above nosing thread on both sides of stairways. 		
<ul style="list-style-type: none"> Uniform riser heights and tread width. Stair treads shall be no less than 11" wide (measured from riser to riser). Open risers aren't permitted. 		
<ul style="list-style-type: none"> Upper approach and all treads of EXTERIOR stairs are marked with a strip of clearly contrasting color a min. of 2" in width a max. of 1" from the tread nose or landing. 		
<ul style="list-style-type: none"> The upper approach and lower tread of INTERIOR stairs need contrasting color striping a min. 2" in width a max. of 1" from the tread nose or landing. 1133B.4.4 		

VII. Elevators: ADA 4.10 & CBC 1116B.1

<ul style="list-style-type: none"> Elevator is located near accessible path of travel. 1116B.1.15 		
<ul style="list-style-type: none"> Inside of car must allow for turning of a wheelchair. 1116B.1.8 <ul style="list-style-type: none"> Min. Dimensions depend on whether door is on or off-centred. See Examples, below. 54" min. depth of car platform is rear wall to door. 51" min. clearance from rear wall to the return panel. 		

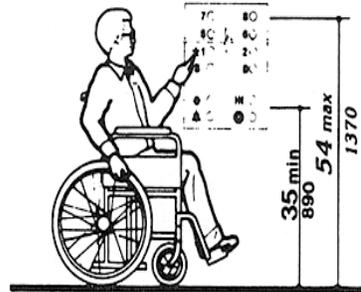
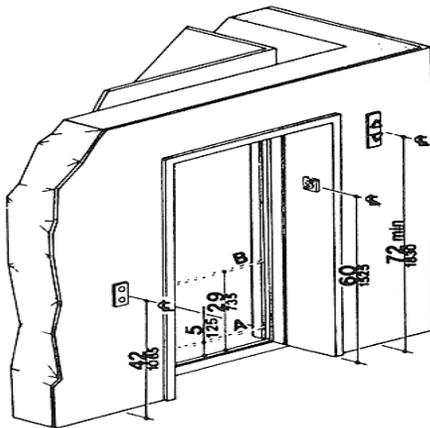


On-Center Door Panels



Off-Center Door Panels

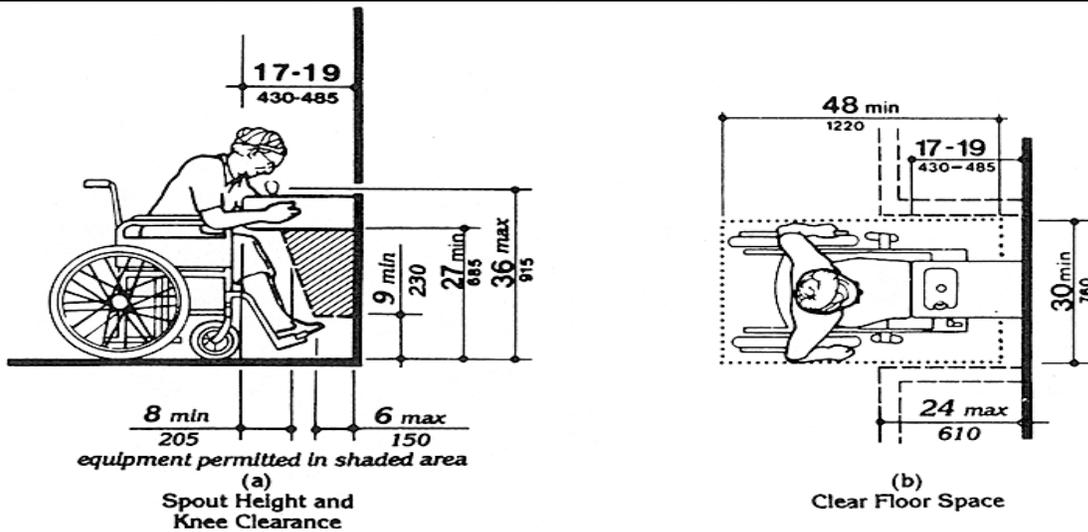
ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<ul style="list-style-type: none"> • Handrail required on one wall (rear preferred) 1116B.1.11 		
<ul style="list-style-type: none"> • Rail shall be smooth. Min. clearance of 1½" from wall. 32" (+ or - 1") height from floor. 		
<ul style="list-style-type: none"> • Elevator is self-levelling to within ½" of the floor landing. 		
<ul style="list-style-type: none"> • Door jambs at all landings are identified on a contrasting background by both raised Arabic numeral (min. 2" in height) & Grade 2 Braille symbols (immediately left to numbers). Id shall be centred & located 60" from floor of jamb 1116B.1.14 		
<ul style="list-style-type: none"> • Emergency communication device @ max of 48" from the floor with a handset cord a min. of 29" in length. 		
<ul style="list-style-type: none"> • Emergency communication device doesn't require voice communication. 		
<ul style="list-style-type: none"> • Emergency communication device compartment door is lever type and does not require tight grasping, pinching, or twisting of wrist to operate. 4.10.14 		
<ul style="list-style-type: none"> • Centerline of hall call buttons shall be no higher than 42" above floor. 4.10.3 See Example, below 		
<ul style="list-style-type: none"> • Elevator control panel inside car shall be no higher than 54" for side approach & 48" for front approach above floor. 		



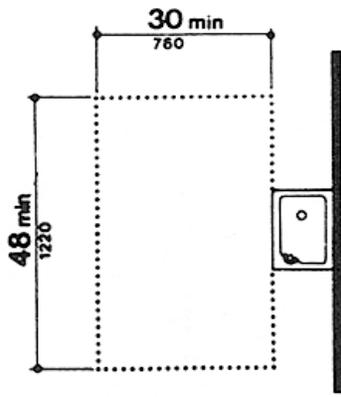
<ul style="list-style-type: none"> • Emergency controls (stop & alarms) are a min. of 35" from the floor. 		
<ul style="list-style-type: none"> • Audible signals sounds are once for up direction and twice for down direction (or equivalent). 4.10.4 		

VIII. Water Fountains (Drinking): ADA 4.15 & CBC 1115B.4.6 Where only one drinking fountain area is provided on a floor, there shall be a drinking fountain that is accessible to individuals who use wheelchairs and accessible to individuals with difficulty bending or stooping. (“Hi-Lo” Fountains”) When more than one fountain is provided on a floor than 50% of such fountains must be accessible for disabled persons.

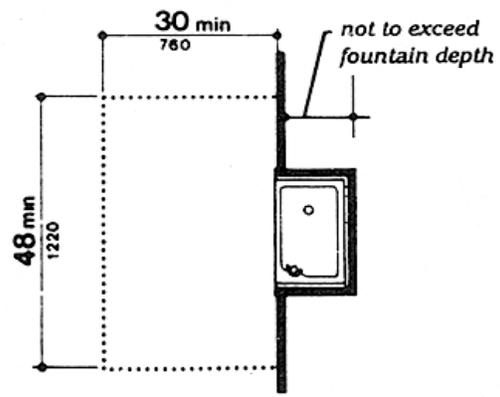
ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<ul style="list-style-type: none"> All drinking fountains shall be located completely within alcoves (not less than 32" wide x 18" deep) or otherwise positioned so as not to encroach in to pedestrian ways. 1115B.4.6.3 		



<ul style="list-style-type: none"> Wall & post mounted fountains shall be 18 -19" in depth with clear knee space of b/w apron of fountain & floor of not less than 27" in height, 30" width & 8" depth. Such units shall also have a minimum clear floor space 30" by 48" (760 mm by 1220 mm) to allow a person in a wheelchair to approach the unit facing forward. 4.15.5 		
<ul style="list-style-type: none"> Side approach fountains are not accessible. 		
<ul style="list-style-type: none"> Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30" by 48" that allows a person in a wheelchair to make a parallel approach to the unit (See below). This clear floor space shall be at least 30 x 48". 		



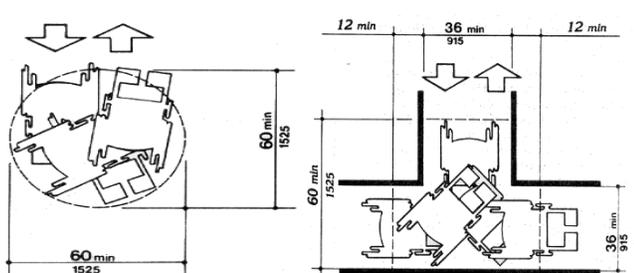
(c)
Free-Standing
Fountain or Cooler



(d)
Built-In
Fountain or Cooler

ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<ul style="list-style-type: none"> Spout/Bubbler shall be no higher than 36 in (915 mm) from floor Spout shall be at the front of the unit & shall direct water flow in a trajectory that is parallel or nearly parallel to the front of the unit. Stream is min 4" high. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall not exceed 5 lbf (22.2 N). 4.27.4 		

IX. Sanitary Facilities: ADA 4.16 & CBC 1116B.1

<ul style="list-style-type: none"> Single Accommodation Toilets clustered at a single location at least 5% but no less than one accessible toilet. Multiple Principals apply if more than 6 stalls. 		
<ul style="list-style-type: none"> Toilet Seat top must be between 17 -19" from the floor 		
<ul style="list-style-type: none"> Flush controls shall be automatic or operable with one hand without tight grasping, pinching or twisting of the wrist and requires no more than 5 lbf to operate. 		
<ul style="list-style-type: none"> Manoeuvring Space: Must have an unobstructed turning space (60" diameter circle or T-shaped space) in the stall  <p>(The clear floor space of fixtures and controls, the accessible route and the turning space may overlap.)</p>		

ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<ul style="list-style-type: none"> • Toilet paper dispenser is located on wall below grab bar (no more than 36" from back wall and at least 19" from floor) within 12" of front edge of toilet seat. • Dispenser must allow for continuous paper flow with no controls. 		
<ul style="list-style-type: none"> • Door Handles, pulls, latches, locks and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms and U-shaped handles are acceptable designs. 4.13.9 		
<ul style="list-style-type: none"> • Does the size and arrangement of the standard toilet stall comply with one of the figures, below? (Arrangements may be reversed.) 		

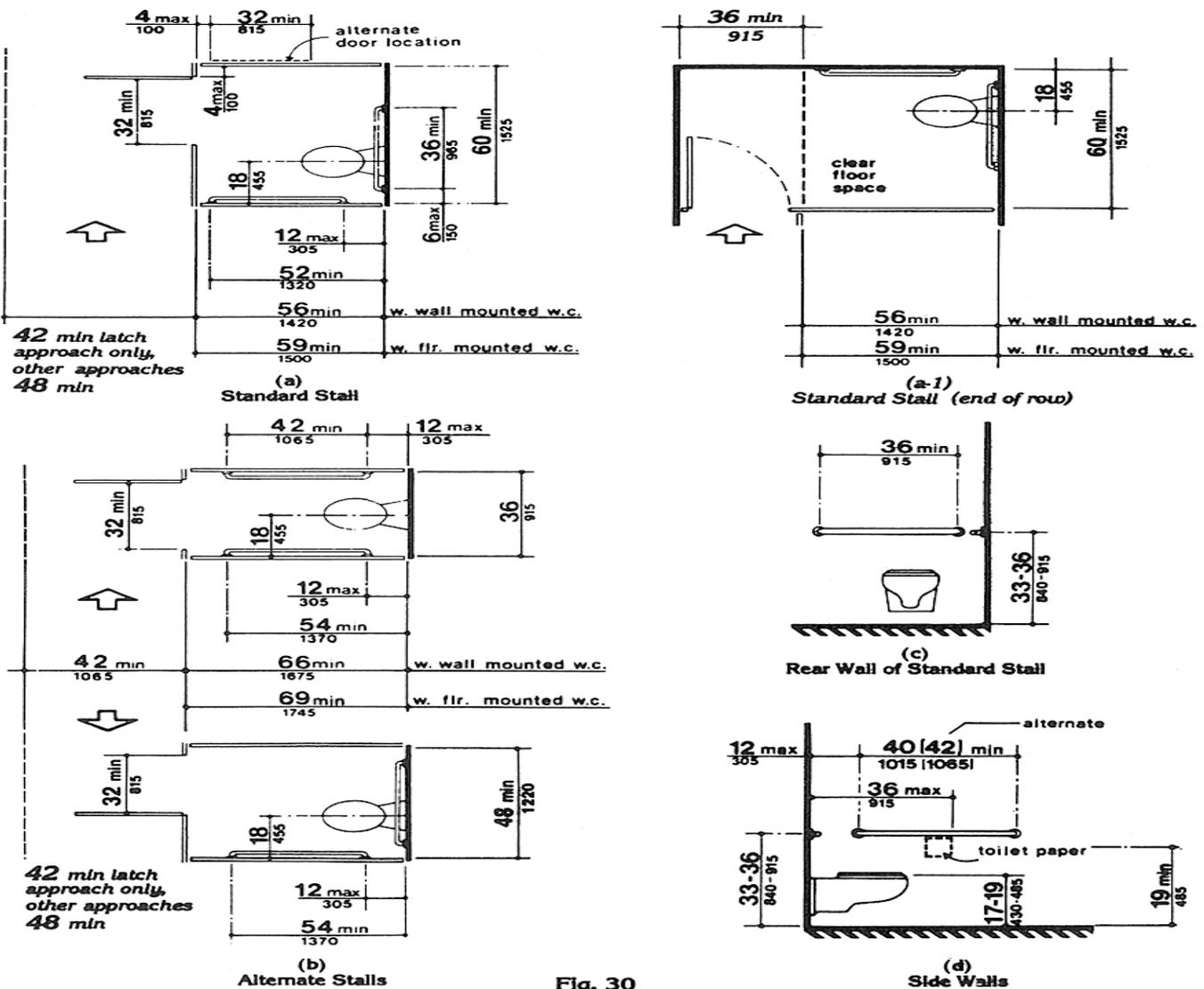
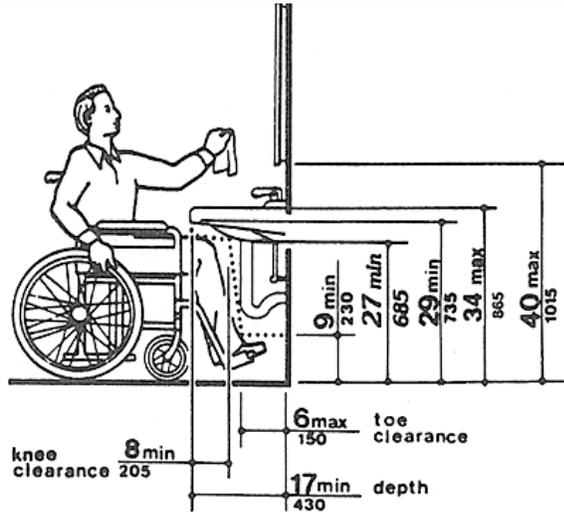
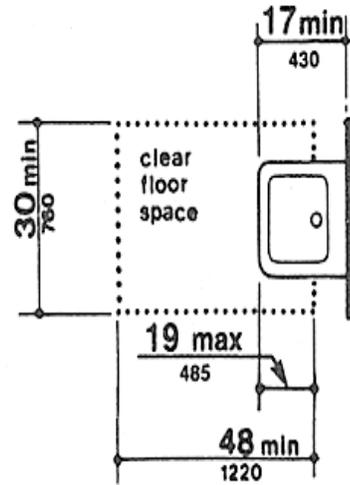


Fig. 30 Toilet Stalls

<p>Lavatories Fixtures</p> <ul style="list-style-type: none"> • One unit must be accessible. • Sink shall be mounted with the rim or counter surface no higher than 34" above the finish floor. Provide a clearance of at least 29" above the finish floor to the bottom of the apron. Knee and toe clearance shall comply with figure, below. • Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than 40" above the floor. • All fixtures & accessories are located a max. of 40" above floor. (Hooks, Towels, Waste, Dryers, Sanitary Items) <p>4.23.9</p>		
--	--	--



Lavatory Clearance



Clear Floor Space

<ul style="list-style-type: none"> • Minimum of 30 x 48" clear space is provided in front of lavatory that allows forward approach. 		
<p>Urinal</p> <ul style="list-style-type: none"> • At least one urinal must be accessible with clear floor space 30" x 48" in front to allow for forward approach. • Elongated rim projecting a 14-17" from the wall. • 17" max rim height above floor. • Flush controls shall be automatic or operable with one hand without tight grasping, pinching, or twisting of the wrist and requires no more than 5 lbf to operate. 		

X. Signage: ADA 4.30 & CBC 1117B.5.1

ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<p>Signage is required:</p> <ul style="list-style-type: none"> ▪ At every primary public entrance and major junction along or leading to an accessible route of travel, there shall be a sign displaying the international symbol of accessibility.  ▪ Signs shall indicate the direction to accessible entrances & facilities and shall comply with the requirements for directional and informational signage, below. ▪ All building entrances, permanent rooms & spaces that are accessible shall display signage 		

ADA Standards & Title 24 Regulations	Doesn't Comply	Comments
<p>Character</p> <ul style="list-style-type: none"> • Characters on such signs shall be sized according to viewing distance with characters on overhead signs at least 3 inches high. • Characters and backgrounds need non-glare finish • Characters shall contrast with their background (light-on-dark or dark-on-light) 		
<p>Braille</p> <ul style="list-style-type: none"> • Letters and numerals shall be raised 1/32 in, upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. • Raised characters between 5/8" – 2" high. Braille dots are raised a min 1/40" above the background and are 1/10" on center in each cell with 2/10" pace b/w cells, measured from the second column of dots in the first cell to the first column of dots in second cell. 		
<p>Pictograms</p> <ul style="list-style-type: none"> • Pictograms are accompanied by an equivalent verbal description placed directly below picture. <p>The verbal description must be in raised letters and accompanied by Grade II Braille. If the International Symbol of Accessibility or other information in addition to room and space designation is included on the sign, it does not have to be raised and accompanied by Grade II Braille.</p>		
<p>Mounting Location & Height</p> <ul style="list-style-type: none"> • Permanent ID signs are installed on the wall adjacent to the latch side of the door (at double leaf doors & when there is no wall space at latch, signs shall be placed on nearest adjacent wall – preferably on right. • Mounting height is 60" from floor to centerline of sign • Mounting will allow a person to approach with 3" of the signage without encountering protruding objects/standing within swing of a door. 		

Should you have any questions or concerns, please contact me at 510.596.4380 or dburton@ci.emeryville.ca.us.

**Appendix D – Reasonable
Accommodations Form: Auxiliary Aid &
Access Barrier Removal**

Appendix E – Grievance: Complaint Form



CITY OF EMERYVILLE

INCORPORATED 1896

AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR
1333 PARK AVENUE
EMERYVILLE, CALIFORNIA 94608-3517

TEL: (510) 596-4380 FAX: (510) 596-3724
DBURTON@EMERYVILLE.ORG

GRIEVANCE FORM

I. COMPLAINANT INFORMATION

Name of Complainant: _____

Last

MI

First

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ E-mail Address: _____

Preferred Method(s) of Communication: (Check all that apply)

Voice Telephone TTY CRS E-mail US MAIL & Other: _____

II. DESCRIBE YOUR COMPLAINT OF DISCRIMINATION BASED UPON DISABILITY.

Be specific and give date(s), time(s) and location(s). Use the reverse side of this sheet or attached pages, if needed.

III. PERSONS NAMED IN YOUR COMPLAINT. List the names of (or describe) all persons involved in your complaint. Indicate the job title and City Agency, department or division of City employees, if possible.

IV. WITNESSES TO YOUR COMPLAINT. List the names of (or describe) all persons involved in your complaint. Indicate the job title and City Agency, department or division of City employees, if possible.

V. **EVIDENCE AND DOCUMENTATION.** List and provide any physical evidence, written or recorded documents, or any other information that directly supports your specific claim of discrimination.

VI. **CASE REMEDY AND/OR RESOLUTION.** What remedies or resolutions are you seeking?

CERTIFICATION: I hereby certify that the information and statements provided above are true.

Signature: _____ Date: _____

If person needing accommodation is not the individual completing this form, please provide

Representative's Name: _____

Address: _____ Telephone Number: _____

For more information or assistance in completing the form, please contact the
ADA Coordinator via (direct line) 510.596.4380, (TTY Relay) 711 or dburton@emeryville.org

Appendix F – Program Survey Form

CITY OF EMERYVILLE



Americans with Disabilities Act (ADA) Program & Facility Access Checklist

The City of Emeryville is in the process of updating the City’s Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. The following is a program and facility access survey, which is required for each Department. Thank you for your time and consideration in advance.

Please return this survey by **September 8th** to: ADA Coordinator, Dominique B. Burton
 City of Emeryville 1333 Park Avenue Emeryville, CA 94608
 Phone: 510.596.4380 E-Mail: dburton@ci.emeryville.ca.us

This survey is available in alternative formats, on request.

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
A. General Requirements.					
1. Has the City designated an employee to coordinate efforts to comply with and carry out responsibilities under ADA?					
2. Do you know who the City’s designated ADA Coordinator is?					If yes, name person:
3. Have you posted and noticed the name and address of the ADA Coordinator?					If yes, where:
4. Are you aware of the City’s complaint procedures and process for requesting auxiliary aids?					
5. Has the City taken steps to ensure that all employees and consumers been instructed and notified regarding their rights under ADA?					
6. Has the City provided information to the public, in an accessible format, explaining its policy to provide accessible policies, programs, services or activities and practices?					
7. Have you ensured that written and/or audio-visual materials portray person with disabilities in an appropriate manner?					
8. Do you feel your department would benefit from training on the requirements of the ADA and/or relating to people with all types of disabilities?					

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
B. Policy Requirements.					
9. Do your department's policies ensure that persons with mobility and/or sensory disabilities are provided auxiliary aids or accommodations to fully participate in programs, services and activities?					
10. Do your department's publications, service announcements and advertisements make known that they area available in alternative formats (e.g. large print, audio, Braille, captioned)?					
C. Communication Requirements.					
11. Has your department reviewed its policies to ensure that its communications with persons with disabilities are as effective as its communications with others?					
12. Does your department conduct business or provide services or information by telephone to the public?					
13. If YES to Question 12, is a telecommunication device for deaf (TDD) or other equally effective system available to facilitate communications with hearing and/or speech impaired persons?					
14. If NO to Question 12, list steps to ensure effective communications with deaf, hearing and/or speech impaired individuals. This can include providing a TDD or third party rely service.					
15. Does your department provide captioning of the verbal content on public television (i.e. E-TV) service announcements that it produces?					If yes, state location, number and if they are operable:
For Emeryville Fire & Police Department (Departments which provide 911 emergency services):					
16. Does your department ensure direct access to persons who use telecommunication devices for the deaf (TDDs) and computer modems?					
17. If YES to Question 15, are all 911 emergency response services equipped with a TDD or other equally effective technology to make the service accessible to persons who are deaf, hearing and/or speech impaired?					

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
D. Auxiliary Aids & Services.					
18. Does your department provide provisions or assist the public by informing of auxiliary aids or services that are available through the ADA Coordinator (i.e. hearing devices, Braille, large print, qualified readers or interpreters and captioned video programs)?					
19. Are assistive listening devices available for individuals with hearing impairments at your site?					If yes, state location, number fixed or portable and if they are operable:
20. Have you reviewed your website for accessibility for vision-impaired persons?					If yes, when:
E. Facility Checklist: Not Required for Departments within City Hall however, feel free to share comments/suggestions.					
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>___ City Hall, 1333 Park Ave.</p> <p>___ Child Development Center, 1220 53rd St.</p> <p>___ EFD- Station #1, 2333 Powell St.</p> <p>___ EFD- Station #2, 6303 Hollis St.</p> </div> <div style="width: 48%;"> <p>___ EPD, 2449 Powell St.</p> <p>___ Senior Center, 4321 Salem St.</p> <p>___ Recreation Center, 4300 San Pablo Ave.</p> <p>___ PW Corp Yard, 5679 Horton St.</p> </div> </div>					
21. Do you already have an Accessibility Survey or report for your site?					If yes, please attach to the survey.
22. Are grievance procedures or complaint procedures noticed and posted at your site?					If yes, where:
23. Do you have emergency evacuation plans posted at your site?					If yes, where:
24. Are individuals with disabilities included in or have an opportunity to participate in all programs, activities and services provided by your site?					
25. Are individuals with disabilities served or located in segregated areas of your facility?					
26. Do you require persons with disabilities to receive or participate in services at an alternate location?					If yes, describe:
27. Do you provide transportation for your programs, services, or activities?					If yes, describe transportation and its accessibility:
28. Do you follow a specific procedure or policy for use of the facility by organizations or members of the public?					If yes, describe:
29. Do you offer programs at your site that are not offered at other sites in the City?					If yes, describe:
30. Have you made accommodations for individuals with disabilities (employees, members of the public, etc)?					If yes, describe:

Access Element	0. Don't Know	1. No/ Disagree	2. No Opinion	3. Yes/ Agree	Suggested Improvements
31. Do you have a statement of accommodations in your literature or on public notices?					
32. Do you have any programs offered or located at a different site?					If yes, describe facilities:
33. Do you have any employees with disabilities at your site (if known):					
34. Are you aware of any community members or recipients of services with disabilities who utilize your site?					
35. Have you provided training or information to your staff regarding the requirements of the Americans with Disabilities Act?					If yes, describe:
36. Would you like additional training regarding the Americans with Disabilities Act?					If yes, describe:
37. Have you received any awards or special recognitions regarding programs or services for individuals with disabilities?					If yes, describe:
38. Do you have any construction or remodeling projects currently underway or planned within the next three years?					If yes, describe:
39. Do you have any volunteers?					
40. If you have volunteers, have they received training on providing services or activities for individuals with disabilities?					
41. Do you have access to current City policies, procedures, or practices?					
42. Are there any issues or information with regard to persons with disabilities or accessibility that would be helpful to your facility?					

Department: _____

Name, Title of Person Completing Survey:

Phone Number: _____

E-mail Address: _____

Appendix F.1 – Employment Checklist

CITY OF EMERYVILLE



Americans with Disabilities Act (ADA) Employment Checklist

The City of Emeryville is in the process of updating the City’s Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. The following is an employment survey. Thank you for your time and consideration in advance.

Please return this survey by **December 12th**
to:

ADA Coordinator, Dominique B. Burton
City of Emeryville, 1333 Park Avenue Emeryville, CA
94608
Phone: 510.596.4380 E-mail:
dburton@ci.emeryville.ca.us.

This survey is available in alternative formats, on request.

QUESTION	YES	NO	N/A	COMMENTS
A. Job Descriptions: Written job descriptions should be reviewed to ensure that they accurately reflect the essential functions of the job. Employers may want to initially revise job descriptions for those classifications that (1) have the highest rate of worker injury, (2) have the highest rate of worker turnover, (3) are the most difficult to fill, and (4) are likely to generate discrimination complaints or litigation.				
1. Do you have job descriptions developed for each type or class of position?				
2. Do your job descriptions clearly identify the essential functions (essential functions are those tasks associated with a position and essential to its central purpose)?				
B. Contracts and other Business Arrangements: All contracts and other business arrangements or relationships (such as with employment or referral agencies, labor unions, or organizations providing benefits, training, or apprenticeship programs) shall be carefully reviewed to determine if they comply with ADA.				
1. Have you ensured your agency's contractual or other business relationships do not discriminate against qualified applicants or employees with a disability?				
2. Have you informed all of your contractors of their obligations under the ADA?				
3. Have you included a standard contract compliance clause?				
4. Have you established a system to monitor and ensure ongoing contract compliance?				
5. Have you established a system to monitor and ensure ongoing contract compliance?				

6. Written Policies: All employment policies should be reviewed to determine that rules, procedures, and practices comply with the ADA.				
---	--	--	--	--

QUESTION	YES	NO	N/A	COMMENTS
7. Are your agency's policies free from discriminatory treatment of non-disabled applicants or employees who have family members, associates, or friends with a disability (e.g., recruiting, applying, hiring, job training, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, rehiring, compensation, benefits, and other terms, conditions, and privileges of employment)?				
8. Have you reviewed your agency's employment practices to make sure that they do not limit, segregate, or classify job applicants or employees in ways that adversely affect their opportunities or status because of a disability?				
9. Have you reviewed your agency's policies and operating practices to make sure that they do not adversely affect or limit the advancement or promotion of persons with disabilities?				
10. Have you reviewed your agency's policies and practices to make sure that they do not adversely affect rates of pay, any other form of compensation or changes in compensation of job applicants or employees with disabilities?				

C. Recruitment & Advertising: All procedures used in recruiting, advertising, and selecting employees should be reviewed to determine if they comply with the ADA.

1. Are your job advertisements and/or announcements accessible to persons with hearing and/or vision disabilities (e.g., newspaper advertising may only reach persons who can see and read. Radio advertising may only reach persons who can hear)?				
2. If your job advertisements provide only a telephone number, but no address, have you included a TDD (telecommunication device for the deaf) number?				
3. If your job advertisements provide only a telephone number, but no address, have you included a TDD/TTY number?				
4. Are your job announcements, advertisements, and other recruitment notices located in accessible areas and available in alternative formats (e.g., Braille, large print, and cassette)?				
5. Do you have a mechanism in place to handle requests for reasonable accommodation specific to the application and interview process, and is it advertised?				

QUESTION	YES	NO	N/A	COMMENTS
D. Terminology: All written and expressed references to persons with disabilities should be reviewed to ensure that language and portrayal create an appropriate view of persons with disabilities.				
1. Have you reviewed your forms, reports, personnel manuals, public announcements and other documents to ensure the terminology and characterizations used to portray persons with disabilities is in an appropriate, non-derogatory manner?				
2. Do your office policies promote a productive, integrated working environment by eliminating characterizations, jokes, or other references that are likely to be considered derogatory, stereotyping, or otherwise offensive by persons with disabilities?				
3. Does your agency offer opportunities for management and staff to attend sensitivity or disability awareness training?				
4. Does your agency consult with the ADA Coordinator in updating/reviewing materials to ensure use of appropriate terminology?				
E. Application Form: All job application forms should be reviewed to eliminate any potential discriminatory questions about a disability and/or medical status.				
1. Are your application procedures and interview processes available in accessible formats, (e.g., cassette versions of written materials for persons with a vision disability, written materials, and sign language interpreters for those with hearing disabilities, and personal assistance for persons with manual disabilities)?				
2. If written applications are required, do you provide an alternative for persons who, because of their disability, may be unable to communicate in usual ways (e.g., mail-in, assistance to complete the application by a staff person or large print)?				
3. If written applications are required, do you provide an alternative for persons who, because of their disability, may be unable to communicate in usual ways (e.g., mail-in, assistance to complete the application by a staff person or large print)?				
4. Have you reviewed ALL employment application forms and removed any questions that:				
a. Ask whether an applicant has a disability or a medical condition, (physical or mental)?				
b. Ask about a history or record of disability or medical condition (e.g., cancer or heart disease)?				
c. Ask whether the applicant has been treated for drug addiction or alcoholism?				

QUESTION	YES	NO	N/A	COMMENTS
d. Ask whether the applicant has filed a worker's compensation claim or has a worker's compensation history?				
<p>F. Interview Process: Inquiry into the nature or existence of a disability during a job interview is prohibited. All job interviews should focus on the ability of an applicant to perform the essential functions of the job. When an applicant discloses a disability, the interviewer can ask what accommodations she/he knows will be necessary. Use the job interview to obtain any appropriate information about background qualifications or other personal qualities of an applicant in relation to the requirements of a specific job. Eliminate any discriminatory questions about disability and/or medical status. Inquiries or requests to demonstrate how a person would perform a specific task are permitted.</p>				
1. Are interview personal trained in the agency's ADA compliance obligations?				
2. Are the same interview questions asked of all job applicants for like positions?				
3. Are interview questions reflective of the essential functions of the job and how applicant would perform such functions?				
<p>E. Qualifications, Tests, and Selection Criteria: All qualification standards, employment tests or other selection criteria should be reviewed to ensure that they are job-related for the position in question. They must accurately reflect a person's job skills, aptitudes, or other criteria the tests are intended to measure, and be consistent with business necessity. If you administer written employment tests:</p>				
1. Are identical qualification standards, employment tests, or other selection criteria used for all applicants for a class of jobs?				
2. Do you provide alternative formats (e.g., large print, qualified readers, Braille)?				
3. Do the test results accurately reflect the skills and/or aptitude that the particular test purports to measure (e.g., the ability to read may not be an essential job function if a visually impaired employee could transcribe from a cassette)?				
4. Do the test results accurately reflect the skills and/or aptitude that the particular test purports to measure (e.g., the ability to read may not be an essential job function if a visually impaired employee could transcribe from a cassette)?				
5. Do the test results accurately reflect the ability of the applicant to perform the essential functions of the job (e.g., do you require a valid driver's license when the ability to drive may not be an essential job function)?				
<p>F. Medical Records: All information obtained from post-offer medical examinations and inquiries must be collected and maintained on separate forms, in separate medical files, and must be treated as confidential.</p>				
1. Are employee's medical records kept confidential?				
2. Are employee's medical records kept physically separate from personnel files?				

QUESTION	YES	NO	N/A	COMMENTS
3. If medical information has been used to disqualify candidates, have you determined the medical examination results to be job-related and consistent with business necessity?				
<p>G. Medical Examinations of Current Employees: Employers are permitted to make periodic inquiries or require medical examinations (fitness for duty exams) when there is a need to determine whether an employee is still able to perform the essential functions of his/her job. These must be required by medical standards or by requirements established by federal, state, or local law, and must be job-related and consistent with business necessity. Employers are also permitted to make inquiries or require medical examinations necessary to the reasonable accommodation process.</p>				
<p>If you have a policy which requires medical examinations of current employees, is the examination:</p>				
1. Specific to safety and/or health factors which are job-related and consistent with business necessity (e.g., yearly examinations for nurses or health care professionals)?				
2. For the purpose of providing reasonable accommodation and determining alternatives for an employee who may be having difficulty performing his/her, job effectively (e.g., ergonomic chair)?				
<p>H. Reasonable Accommodation Policies and Procedures Examinations: An employer, under the ADA, is obligated to make a reasonable accommodation only to the known disability(s) of applicants or employees. The ADA requires reasonable accommodation for the following reasons: (1) to ensure equal opportunity in the application process; (2) to enable a qualified individual with a disability to perform the essential functions of a job; and (3) to ensure that an employee with a disability has equal benefits and privileges of employment.</p>				
1. Do you have policies and procedures to provide reasonable accommodation?				
2. Do you have policies and procedures to provide reasonable accommodation?				
3. Has the City identified a person (ADA Coordinator) to be responsible for record keeping, evaluating, approving, or denying requests for reasonable accommodation?				
4. Do you have a process for providing information in accessible formats to employees about the availability of, and procedure to request reasonable accommodation?				
5. Do you have a procedure for documenting decisions to approve and/or deny reasonable accommodation requests because of undue hardship?				
6. Is the reasonableness of the request assessed in terms of effectiveness and equal opportunity, including how well it accommodates the needs of the person with a disability?				

QUESTION	YES	NO	N/A	COMMENTS
7. If medical substantiation is required to support the reasonable accommodation request, it is based on a real need for information and not arbitrarily imposed (under the ADA, an employer may request documentation of the need for the accommodation to accompany the request)?				
8. Do you look for accommodation solutions by encouraging suggestions from the individual who requested the accommodation, or by consulting with outside authorities or agencies (e.g., the state Department of Rehabilitation; the Job Accommodation Network [JAN], Able Data, Disabled Access Consultants or the Organization of Persons with Disabilities)?				
9. Do you have specified funds set aside to facilitate meeting an employee's reasonable accommodation request?				
I. Notices: An employer must post notices concerning the nondiscrimination provisions of the ADA, grievance procedures, and the process to request a reasonable accommodation. All notices, job announcements, advertisements, and other recruitment notices should be accessible to persons with visual or other reading disabilities.				
1. Are they posted in conspicuous locations in your work place?				
2. Are they available in alternative formats, if requested (e.g., large print, etc.)?				
J. Grievances and Complaints: Title I of the ADA is enforced by the EEOC. The EEOC encourages efforts made to settle any differences or disputes through informal negotiations and mediation procedures, if such efforts do not deprive any individual of legal rights granted by the ADA.				
1. Has your agency adopted, published and advertised grievance procedures that incorporate due process standards and provide for prompt and equitable resolution of complaints of discrimination?				
2. Has your agency designated a person to coordinate the agency's grievance process?				
3. Does your agency have an informal alternative dispute resolution or mediation process?				
4. Does your agency have a grievance appeals process?				

I certify that the foregoing statements are true and correct to the best of my understanding:

_____ Date: _____

Appendix F.2 – Website Access Checklist

CITY OF EMERYVILLE



Americans with Disabilities Act (ADA) Website Access Checklist

The City of Emeryville is in the process of updating the City’s Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. This checklist is designed for use in conducting a preliminary assessment of the accessibility of our website. The goal is to review the website, its policies and procedures and see if there are red flags regarding accessibility concerns. Thank you for your time and consideration in advance.

Please return this survey by **May 31st** to: ADA Coordinator, Dominique B. Burton
 City of Emeryville 1333 Park Avenue Emeryville, CA 94608
 Phone: 510.596.4380 E-Mail: dburton@ci.emeryville.ca.us.

This survey is available in alternative formats, on request.

Access Element	1. No/ Disagree	2. Yes/ Agree	Suggestions/Comments
A. Assessing Current Webpages & Content on Your Website			
This section will help you determine if your website has some of the most common accessibility problems. It will not identify all website accessibility problems.			
1. Does the top of each page with navigation links have a “skip navigation” link? (This feature directs screen readers to bypass the row of navigation links and start at the webpage content, thus enabling people who use screen readers to avoid having to listen to all the links each time they move to a new page.)			
2. Do all links have a text description that can be read by a screen reader (not just a graphic or “click here”)?			
3. Do all of the photographs, maps, graphics and other images on the website currently have HTML tags (such as an “alt” tag or a long description tag) with text equivalents of the material being visually conveyed?			
4. Are all of the documents posted on your website available in HTML or another text-based format (for example, rich text format (RTF) or word processing format), even if you are also providing them in another format, such as Portable Document Format (PDF)?			
5. If your website has online forms, do HTML tags describe all of the controls (including all text fields, check boxes, drop-down lists, and buttons) that people can use in order to complete and submit the forms?			

Access Element	1. No/ Disagree	2. Yes/ Agree	Suggestions/Comments
6. If your website has online forms, does the default setting in drop-down lists describe the information being requested instead of displaying a response option (e.g., “your age” instead of “18 - 21”)?			
7. If a webpage has data charts or tables, is HTML used to associate all data cells with column and row identifiers?			
8. Do all video files on your website have audio descriptions of what is being displayed to provide access to visually conveyed information for people who are blind or have low vision?			
9. Do all video files on your website have written captions of spoken communication synchronized with the action to provide access to people who are deaf or hard of hearing?			
10. Do all audio files on your website have written captions of spoken communication synchronized with the action to provide access to people who are deaf or hard of hearing?			
11. Have all webpages been designed so they can be viewed using visitors’ web browser and operating system settings for color and font?			

B. Website Accessibility Policy and Procedures This section will help you identify potential problems with the ongoing process of ensuring website accessibility			
12. Do you have a written policy on website accessibility?			
13. Is the website accessibility policy posted on your website in a place where it can be easily located?			
14. Have procedures been developed to ensure that content is not added to your website until it has been made accessible?			
15. Does the website manager check the HTML of all new webpages to confirm accessibility before the pages are posted?			
16. When documents are added to your website in PDF format, are text-based versions of the documents (e.g., HTML, RTF, or word processing format) added at the same time as the PDF versions?			
17. Have in-house staff and contractors received information about the website accessibility policy and procedures to ensure website accessibility?			
18. Have in-house and contractor staff received appropriate training on how to ensure the accessibility of your website?			
19. Have in-house and contractor staff that creates web content or post it on your website received copies of the Department of Justice’s technical assistance document “Accessibility of State and Local Government Websites to People with Disabilities”?			

20. If your website contains inaccessible content, is a specific written plan including timeframes in place now to make all of your existing web content accessible?			
21. Have you posted on your website a plan to improve website accessibility and invited suggestions for improvements?			
22. Does your website home page include easily locatable information, including a telephone number and email address, for use in reporting website accessibility problems and requesting accessible services and information?			
23. Do you have procedures in place to assure a quick response to website visitors with disabilities who are having difficulty accessing information or services available via the website?			
24. Have you asked disability groups representing people with a wide variety of disabilities to provide feedback on the accessibility of your website? (Note: Feedback from people who use a variety of assistive technologies is helpful in ensuring website accessibility.)			
25. Have you tested your website using one of the products available on the Internet to test website accessibility? (Note: Products available for testing website accessibility include no-cost and low-cost options. These products may not identify all accessibility issues and may flag issues that are not accessibility problems. However, they are, nonetheless, a helpful tool in improving website accessibility.)			
26. Are alternative ways of accessing web-based information, programs, activities, and services available for people with disabilities who cannot use computers?			

Department: _____

Name, Title of Person Completing Survey:

Phone Number: _____

E-mail Address: _____

Appendix G – ADA Public Notice



NOTICE UNDER AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the City of Emeryville (“City”) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA .

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City’s programs, services and activities, including qualified sign language interpreters, documents in Braille and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the office of Dominique B. Burton, ADA Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to the ADA Coordinator.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons using mobility devices.

Dominique B. Burton, ADA Coordinator
City of Emeryville 1333 Park Avenue Emeryville, CA 94608
Direct Line: 510.596.4380, Facsimile: 510.596.3724, TTY Relay: 711 dburton@ci.emeryville.ca.us

Appendix H - Checklist: Accessible City-Sponsored Public Events



It is the policy of the City of Emeryville that all City-sponsored public meetings and events be physically and programmatically accessible to persons with disabilities. This checklist has been developed in order to assist you, the organizer, in ensuring that your meeting and/or event are accessible.

Section One: Assess compliance with “programmatically” accessibility standards, to ensure that events will be accessible not only to persons with physical disabilities, but to person with sensory, cognitive, and other disabilities, as well. Please provide comments as necessary.

Section Two: Ensures that potential meeting sites and event locations comply with physical accessibility standards. Please provide comments as necessary.

THE INITIAL ITEMS LISTED IN **BOLD** ARE MINIMUM REQUIREMENTS. PLEASE DO NOT CONSIDER HOLDING A PUBLIC EVENT/MEETINGS WITHOUT THESE IN PLACE. OTHER ITEMS ARE STRONGLY RECOMMENDED.

Event Name/Description: _____

Event Location/Address: _____

Event On-Site Contact: _____

Phone: _____ Cell: _____

E-mail: _____

Date & Time of Event: _____

Responsible Department: _____

**Contact Person
(if not ADA Coordinator):** _____

Phone: _____ Cell: _____

E-mail: _____

Designated Department Staff is responsible for ensuring that this form is completed and that accessibility is verified at least 10 working days prior to any city-sponsored public meeting or event. It is not necessary to fill out this form more than once for regularly scheduled City meetings, so long as the Designated Department Staff continues to ensure that the provisions herein are being complied with at each meeting. If upon filling out or reviewing this form, it is apparent that additional information is required, or it appears that the meeting or event cannot be made physically or programmatically accessible, please contact the ADA Coordinator to discuss possible alternative solutions or sites.

Section One: Programmatic Accessibility Checklist

<u>Notice</u>	<i>YES</i>	<i>NO</i>	<i>N/A</i>
1. All notices and announcements for the event or meeting include accessibility information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. All notices and announcements for the event or meeting include information on whom to contact to request accessibility accommodations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Communication Access</u>			
1. If a microphone is provided for public participation, the cable is long enough to serve accessible seating areas or a wireless unit is provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Film or video materials produced by the City are captioned.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Printed materials are available upon request, in alternative formats. This generally requires an electronic version of any materials. Large print Copies (18 point) are recommended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. For all meetings/events, Assistive Listening Devices (ALDs) are available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Signage of where to obtain ALDs is posted with ALD symbol at the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. For meetings of 100 or more people, Real-Time Captioning has been scheduled.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. For meetings of 500 or more people, an American Sign Language Interpreter has been scheduled.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. An audio description is available of visual materials.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. The meeting is accessible by speakerphone or Bridge Line.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section Two: Physical Accessibility Checklist

<u>Getting to the Event</u>	<i>YES</i>	<i>NO</i>	<i>N/A</i>
1. An accessible route exists from the street to the event and all event activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. All public events should have proper signage to direct the public to the location. In the unusual situation in which the main route to the meeting is not accessible, the <u>accessible route</u> with <u>directional signage</u> is provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Transportation *YES* *NO* *N/A*

1. **If the event itself includes transportation, accessible vehicles are available via reasonable accommodation request & properly advertised.**
2. The meeting or event is located close to accessible public transportation.
3. An accessible route is provided from the public transportation stop to the building or facility entrance.
4. Accessible parking is available (review # of car and van accessible spaces)
5. There is accessible passenger loading and unloading space.

Amenities

1. Accessible toilets are available within 200 feet of the event's location.
2. Accessible drinking fountains are available (if any are provided).
3. Accessible telephones are available (if if any are provided).
4. Art displays or exhibits are positioned to provide an accessible route and to not be a hazard to people who are blind or have visual disabilities.
5. If food or beverages are provided, the service is located on an accessible route. Self-service items are reachable from a seated position with accessible operating mechanisms. [Countertops are 28 – 34 inches high.]

Seating

1. If seating is provided, wheelchair and companion seating is dispersed in multiple location(s) and seating ratio. (See definitions for ratio)
2. Seating is available for deaf and hard of hearing people near the front of the space so that attendees may see the interpreter/captioner, or lip read.
3. Signs are provided indicating the accessible seating areas for both wheelchair users and deaf and hard of hearing participants.

Event Set-Up

1. If a stage or platform is provided, it is accessible by means of a ramp, wheelchair lift, or portable wheelchair lift.
2. If a dais or podium is provided for the public, an accessible dais or podium is also provided.
3. Fencing or other crowd control barriers are placed so as to provide an accessible route.

Accessible Public Events Policy: Definitions

Accessibility Information – Meeting or Event Notice shall include information on how to request accommodations, including alternative formats or auxiliary aids and services, notice of wheelchair accessibility, and information on whom to contact to make accommodation requests. Please see "Sample Accessible Meeting Notice," and "Sample Accessible Event Notice" below.

Accessible Podium (Dais) – A fixed or mobile speaker or presenter's table or podium that is no higher than 34" on which a microphone and presentation materials can be placed.

Accessible Drinking Fountains – Drinking fountain with the bubbler no higher than 36" with knee clearance underneath that is 27" high x 18" minimum deep and a level clear floor area in front of it.

Accessible Entrance – An entry door or gate is a minimum 32 inches clear when opened 90 degrees; threshold is no higher than ½ inch (¾ inch maybe permitted in existing conditions if bevelled), and door is easily opened, or has automatic door opener.

Accessible Exhibit Materials – Alternative formats or services that provide equivalent exhibit information for people with sensory disabilities in a manner appropriate to the program material.

Examples include but are not limited to:

1. Titles of work and narrative using large 14 point san serif fonts on a high contrast background
2. Taped audio descriptions of photographs/artwork
3. Tactile replicas of art objects
4. Captioning of video or film presentations
5. Trained staff available to provide descriptions or tours

Accessible Surface – Firm, stable and slip resistant surfaces, such as concrete, asphalt, wood, carpet, portable flooring etc. Grass, dirt, wood chips and sand are not accessible surfaces.

Accessible Parking – A ratio of parking provided for the exclusive use of people with disabilities, located near the accessible entrance to the facility. Note: temporary accessible spaces can be created using signs and cones or chalk powder lines, provided that the minimum parking space and side access aisle dimensional requirements are met (contact the ADA Coordinator/Public Works Director for temporary signage and details). The minimum parking ratios required are:

1 to 25 spaces: 1 van accessible space	201 to 300: 6 autos and 1 van accessible spaces
28 to 50: 1 auto and 1 van accessible spaces	301 to 400: 7 autos and 1 van accessible spaces
51 to 75: 2 autos and 1 van accessible spaces	401 to 500: 7 autos and 2 vans accessible spaces
76 to 100: 2 autos and 1 van accessible spaces	501 to 1000: 2% autos with a minimum of 1 out of 8 or fraction thereof van accessible
101 to 150: 4 autos and 1 van accessible spaces	
151 to 200: 5 autos and 1 van accessible spaces	

Accessible Parking Space – An auto parking space with identification signage that is 9 feet min width and 19 feet min length with an adjacent 5 feet clear access aisle. The parking space and access aisle shall be level.

Accessible Van Parking Space: A van accessible parking space with identification signage that is 9 feet min. wide, 19 feet min long with an adjacent 8 feet clear access aisle. The parking and side access aisle space shall be level and have an 84 in. minimum clear height.

Accessible Passenger Drop Off – a 25-foot long vehicular passenger drop off area with a 5 feet min with adjacent aisle space that is level and 25 feet.

Accessible Portable Toilets and Sinks – Toilets and sinks that meet state and federal requirements for wheelchair accessibility. If one unit is to be provided, it must be accessible. When multiple units are provided, a minimum of 10% but not less than one unit and not less than one-unit per cluster of units... Accessible toilets and sinks shall be located on a level area, along an accessible route with an accessible surface Ramps to accessible units shall not exceed 1:12 slope, have handrails on both sides and a 60 inch

square level landing at the unit door. **Please note: this information is provided for situations in which the general public will be using portable toilets. A portable, accessible toilet is NEVER equivalent access if the general public is using in-door toilets.**

Accessible Toilets – Toilet rooms that are located on an accessible route and contain accessible features including 32” minimum entry, an interior 60” turning space, lavatory with 27” min. knee space, wide toilet compartments with grab bars, and all accessories mounted no higher than 44 inches to the upper most control etc.

Accessible Route – A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Accessible Tables – A table providing knee space that is a minimum of 27” high, 30” wide and 19” deep unobstructed knee space with the tabletop no higher than 34”.

Accessible Telephones – Telephones that are located on an accessible route mounted at 48” from the floor to the coin slot and have volume controls.

Assistive Listening Device – A device that takes a signal from a microphone or public address system and sends it to a personal amplification system. Portable Assistive Listening Devices (ALDs) can be procured through the front desk, ADA Coordinator or City Clerk. The Council Chambers at 1333 Park Avenue is equipped with Assistive Listening Devices.

Captioned – Video or film program with subtitles reflecting the content of the spoken or descriptive material.

Directional Signage – Signage that indicate the direction of the accessible route when the accessible route is not the same as that of the general public. **The signage may be directional arrows that** include the International Symbol of Accessibility (ISA). Directional signage should be places at any directional change that is not the same as that of the path of the general public.

Hazards to Blind or Visually Impaired Participants – Pedestrian and participant areas shall be clear of objects (including plant branches and public art) which overhang less than 80” from the floor surface, or wall, and post mounted or freestanding objects that protrude 4” or more between 27” and 80” above the floor or ground into circulation areas.

Portable Wheelchair Lift – A lift that is not built into the structure but can be available for a specific event. Portable wheelchair lifts can be procured for various events.

Accessible Seating Location - Accessible seating must be situated so those individuals who cannot stand can view the meeting or event over seated or standing participants. Seating for persons who are deaf must be provided in a location near the stage/presentation area with direct view to the stage/presentation location of sign language interpreters.

Seating Ratio – The number of accessible seats in relation to the number of seats provided as follows:

1 to 25: 1 seat	301 to 500: 6 seats
26 to 50: 2 seats	Over 500: 6 plus one additional space for each increase of
51 to 300: 4 seats	100

Wheelchair and Companion Seating – Seating for wheelchair users and adjacent, shoulder aligned seating for individuals accompanying wheelchair users that is located on the same level as that of the wheelchair user.

SAMPLE ACCESSIBLE MEETING / EVENT NOTICES

Accessible Meeting Information

[Site] is accessible to persons using wheelchairs and others with disabilities. Assistive listening devices are available. Agendas are available in large print. Materials in alternative formats, American Sign Language interpreters, and other accommodations will be made available upon request. Please make your request for alternative format or other accommodations, to Dominique B. Burton, ADA Coordinator at dburton@emeryville.org or by phone at 510.596.4380. Providing at least 72 hours notice prior to the meeting will help to ensure availability.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based scented products. Please help the City to accommodate these individuals.

For inquiries or requests for accommodations, please call 510.596.4380, TTY: 711, or dburton@emeryville.org.

(Shorter Version)

Disability Access

[Site] is accessible to persons using wheelchairs and others with disabilities. Informational materials will be available in large print. Assistive listening devices, materials in other alternative formats, American Sign Language interpreters and other accommodations will be made available upon request. Please contact Dominique B. Burton, ADA Coordinator at dburton@emeryville.org or by phone at 510.596.4380. Providing at least 72 hours notice prior to the meeting will help to ensure availability.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based scented products. Please help the City to accommodate these individuals.

(Flyer/Limited Space Version)

Disability Access

[Site] is wheelchair accessible. Assistive listening devices and written materials in large print will be available at the meeting. To request real time captioning, a sign language interpreter or other accommodations, please contact Dominique B. Burton, ADA Coordinator at dburton@emeryville.org or by phone at 510.596.4380. Providing at least 72 hours advance notice will help to ensure availability.

Appendix I - Special Events ADA Awareness Memorandum



Per the Americans with Disabilities Act of 1990 (ADA), all events, workshops, conferences, hearings, or any other activities held on City property (City facilities, including buildings and parks, and public rights-of-way) must be accessible to people with disabilities. The City of Emeryville, ADA Coordinator provides the following information in order to assist you, the organizer, in ensuring that your events are accessible.

GENERAL

- Special Event organizers shall generate an accessibility plan for the event.
- The site plan must show all ADA elements, including, but not limited to, accessible parking, ADA-compliant portable bathrooms (when bathrooms are provided), ramps, accessible seating, and accessible paths of travel.
- Service animals must be allowed to accompany their owners at all times and cannot be excluded from an event.
- If amplified sound is used, assistive listening devices should be available.
- All printed materials for an event is to include the Request for Accommodation notice with the international symbol for accessibility, a contact name, phone number and e-mail address.
- Requests for accommodation may include material in an alternate format, an interpreter, or assisted listening devices.
- Barricades may be rented from the Public Works Department. Proper barricading methods are required.
 - **EXAMPLE:** A-frames shall be placed end to end (no spacing between barricades allowed). This will help a person with vision impairments negotiate a safe path-of-travel. Openings between A-frames will give confusing signals to a person with vision impairments and using a "walking cane" or "white cane". If using A-frames, all must be connected in a way to ensure that individual A-frames do not move out of place or separate.

BARRIERS

- Concern should be given to elevation changes of more than ¼" vertical or ½" beveled. These are considered barriers and require temporary ramps.
- All cords, wires, hoses, etc., that are located within a path of travel must be ramped or placed within a cord cover.

PATHS OF TRAVEL

- All paths of travel shall be accessible, and all event features shall be on an accessible path of travel.
- An alternate path of travel is required when the normal path of travel is obstructed.
- If an alternate path of travel is provided, signage designating the alternate path of travel is required.
- An alternate path of travel must be provided whenever the existing pedestrian access route is blocked by temporary conditions.
- Where possible, the alternate path of travel shall be parallel to the disrupted pedestrian access route, and on the same side of the street.

- All paths of travel shall have no protrusions up to a height of 80”, including scaffolding and scaffolding braces. Where the alternate path of travel is adjacent to potentially hazardous conditions, the path must be protected with a barricade.

PARKING

- If parking is provided for an event, accessible parking is required.
- If no parking is provided for an event, an accessible passenger loading and unloading zone is required.
- Accessible parking and passenger loading and unloading zones are required to be identified using the international symbol for accessibility.
- Signs with the international symbol for accessibility are to be mounted for maximum visibility.

SALES OR SERVICE COUNTERS

- If sales or service counters are provided for your event, the height must be no more than 34” from the finished floor or the ground, and the width must be at least 36” wide.

ACCESSIBLE ROUTE

- An accessible route is required from the accessible parking, and from the passenger loading and unloading zone to the event entrance.
- All routes within the event shall be accessible.
- An accessible route must be a minimum of 48” in width.
- Accessible routes must be identified with the international symbol for accessibility, including directional arrows, with visibility optimized, unless obvious.
- Temporary ramps may be used to provide an accessible route.

SEATING

- If seating is provided, accessible seating and companion seating are required.
- Accessible seating and companion seating areas must be identified using the international symbol for accessibility and placed for maximum visibility.

PORTABLE TOILETS

- If portable toilets are provided, they must be accessible and located on a level area not to exceed a 2% cross-slope in any direction.
- The total number of portable toilets to be provided for the event determines the required number of accessible portable toilets in any given area. This number is 5% of the total, but in no event less than one for each location. If a single unit is placed, it must be accessible. The placement of single units will increase the number of accessible portable toilets required for your event.
- An accessible route to each portable toilet is required.
- Accessible portable toilets must be identified with the international symbol of accessibility.

TO RECEIVE A COPY OF THIS DOCUMENT IN AN ALTERNATE FORMAT OR FOR ADDITIONAL INFORMATION, PLEASE CONTACT:

Dominique B. Burton, ADA Coordinator
City of Emeryville - 1333 Park Avenue Emeryville, CA 94608
VOICE 510.596.4380, TTY 711, FAX 510.596.3724
dburton@ci.emeryville.ca.us

**Appendix J – Reasonable Accommodations: Fair
Housing Amendments Act (FHA) & Fair
Employment & Housing Act (FEHA) Forms**

EXPLANATION OF RIGHTS UNDER THE FAIR HOUSING ACTS

Before completing the request for a reasonable accommodation please read the following information about who is protected by the Fair Housing Amendments Act (FHA) and Fair Employment & Housing Act (FEHA), and what accommodation may be available under these laws.

This is not a comprehensive explanation of your rights under these Acts.

Do the protections of these Fair Housing Acts apply to me?

You are protected by the FHA if you have a disability or the housing is for people with disabilities. "Disability" means any one of the following: a physical or mental impairment that substantially limits one or more major life activities or a record of having such impairment or being regarded by others as having such impairment. FHA does not protect an individual currently using illegal substances, unless that person has a separate disability.

Under FEHA "disability" is defined more broadly as currently having, having a history of, or being regarded as having any physical, mental or psychological disorder or condition that limits a major life activity. "Major life activities" include, but are not limited to, physical, mental, and social activities and working. Further, whether a condition or disability "limits" a major life activity must be determined without respect to any mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

What kind of accommodation may I request under these Fair Housing Acts?

If you have a disability or the housing is for people with disabilities, the FHA and FEHA require that the City of Emeryville provide you with reasonable accommodation in rules, policies, practices and procedures that may be necessary for persons with disabilities to have equal opportunity to use and enjoy a dwelling. More specifically, the City must provide you with reasonable accommodation in decisions and procedures regulating the site selection, funding, development or use of housing, including housing related services or facilities.

How do I request reasonable accommodation from the City?

To make a request for reasonable accommodation, fill out the enclosed request form, sign and date the form and return it to the ADA Coordinator/Planning Department. If you need help in answering the questions on the request form, you may ask for assistance. Your accommodation request will be reviewed by the designee who will issue a written decision on your request within forty-five (45) days of the date of the request. If the designee does not issue a written decision within 45 days, your request will automatically be denied. If the designee needs additional information consistent with the Fair Housing Acts to consider your request, the 45 day time period will stop running until you respond to the request.

What if my request for reasonable accommodation is denied?

If your request for accommodation is denied, you may appeal the adverse decision by filing a Notice of Appeal with the Planning Commission within fifteen (15) days of the decision. You may request reasonable accommodation in the procedure by which an appeal may be conducted. You may also contact your local fair housing or disability rights organization or legal services office for further assistance. Nothing in this accommodation request procedure limits your right to any other available State or Federal remedies.



NOTICE UNDER FAIR HOUSING ACCOMMODATION PROCEDURES FOR PERSONS WITH DISABILITIES

This Is Not A Comprehensive Explanation Of Your Rights Under The Federal Fair Housing Amendments (FHA) And California Fair Employment & Housing Act (FEHA).

You may request a reasonable accommodation to rules, policies, practices and procedures for the site selection, development and use of housing, including housing related services or facilities, if you meet all of the following:

- I. You are a person with a disability or the housing is for persons with disabilities;
- II. You may need a reasonable accommodation to existing rules and regulations to have equal opportunity to housing; AND
- III. Your request for accommodation would not be an undue burden on the City.

If you believe that you satisfy the above criteria and are entitled to a reasonable accommodation under the FHA or California FEHA, you may obtain a Fair Housing Accommodation Request form from the front desk. If you need assistance in applying for a reasonable accommodation, the Department or ADA Coordinator will assist you.

All documents are available in alternative formats, on request.

Dominique B. Burton, ADA Coordinator
City of Emeryville 1333 Park Avenue Emeryville, CA 94608
Direct Line: 510.596.4380, Facsimile: 510.596.3724, TTY Relay: 711
dburton@ci.emeryville.ca.us



CITY OF EMERYVILLE

REQUEST FOR REASONABLE ACCOMMODATION PURSUANT TO FEDERAL FAIR HOUSING AMENDMENTS (FHA) AND CALIFORNIA FAIR EMPLOYMENT & HOUSING ACT (FEHA)

NOTE: If you need help in completing this request form please request assistance at the Planning & Building counter or contact the ADA Coordinator.

Name: _____
Last Mi First

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ E-mail Address: _____

Address of Housing at which Accommodation is requested: _____

Describe the accommodation you are requesting and the specific regulation(s) and/or procedure(s) from which accommodation is sought. _____

Give the reason that the reasonable accommodation may be necessary for you or, the individuals with disabilities seeking the specific housing, to use and enjoy the housing. You do not need to tell us the name or extent of your disability or that of the individuals seeking the housing. _____

If we have questions about your request for reasonable accommodation and you would like us to contact someone assisting you with this request, instead of you, please give us that person's name, address and telephone number. _____

Signature of Applicant: _____ Date: _____

Please Attach Any Documents Or Additional Sheets That You Think Support Your Request For Reasonable Accommodation And Would Assist Us In Considering Your Request.

All documents are available in alternative formats, on request.

Dominique B. Burton, ADA Coordinator - City of Emeryville
1333 Park Avenue Emeryville, CA 94608
Direct Line: 510.596.4380, Facsimile: 510.596.3724, TTY Relay: 711
dburton@ci.emeryville.ca.us

FOR OFFICIAL USE ONLY:

NOTICE OF DECISION ON FAIR HOUSING ACCOMMODATION REQUEST

1. Date of Application: _____
Date Deposited in Mail or Received if by Fax/Hand

2. Date of Decision: _____

3. Date of Notice of Decision: _____
Notice is due within 45 days of the date of the application

4. Request for a Fair Housing Accommodation is:
_____ Granted
_____ Denied (See Notice Regarding Right to Appeal)

5. The findings/reasoning for this decision are as follows:

6. The facts relied on in making this decision:

Signature of Planning Director/Designee: _____ Date: _____

NOTICE: If your request for accommodation was denied, you may appeal the Planning Director’s decision to the Planning Commission within fifteen (15) days of the date of this decision. To file an appeal, complete and file an Appeal of Denial of Fair Housing Accommodation Request form with the Department. You may request reasonable accommodation in the procedure by which an appeal may be conducted.

APPEAL OF DECISION OF FAIR HOUSING ACCOMMODATION REQUEST

NOTICE: PLEASE ATTACH TO THIS APPEAL FORM: (1) A COPY OF THE FAIR HOUSING ACCOMMODATION REQUEST ALONG WITH ANY ATTACHMENTS SUBMITTED WITH THE REQUEST; AND (2) THE NOTICE OF THE DECISION ON THE REQUEST.

- 1. Date of Decision:
- 2. Date Appeal was Filed:

GROUND FOR APPEAL

- 3. State why you think the determination regarding the request for accommodation was wrongly decided:

- 4. Provide any new information, facts or documents that support your request for accommodation:

Signature of Applicant: _____ Date: _____

**Appendix K – Parks & Greenways Inventory:
Sally Swanson Architects, Inc.**

**Appendix L – Street Inventory: Sally Swanson
Architects, Inc.**



**SALLY SWANSON
ARCHITECTS, INC.**

T 415 445 3045 | T 800 553 8771 | F 415 445 3055
490 POST STREET, SUITE 830 | SAN FRANCISCO, CA 94102
WWW.SWANARCH.COM

Access Compliance Survey Report by Priority *Public Rights-of-Way*

Sections

- 1) Mid-Blocks**
- 2) Intersections**
- 3) Pedestrian Signals**

City of Emeryville



SSA Project # 20066

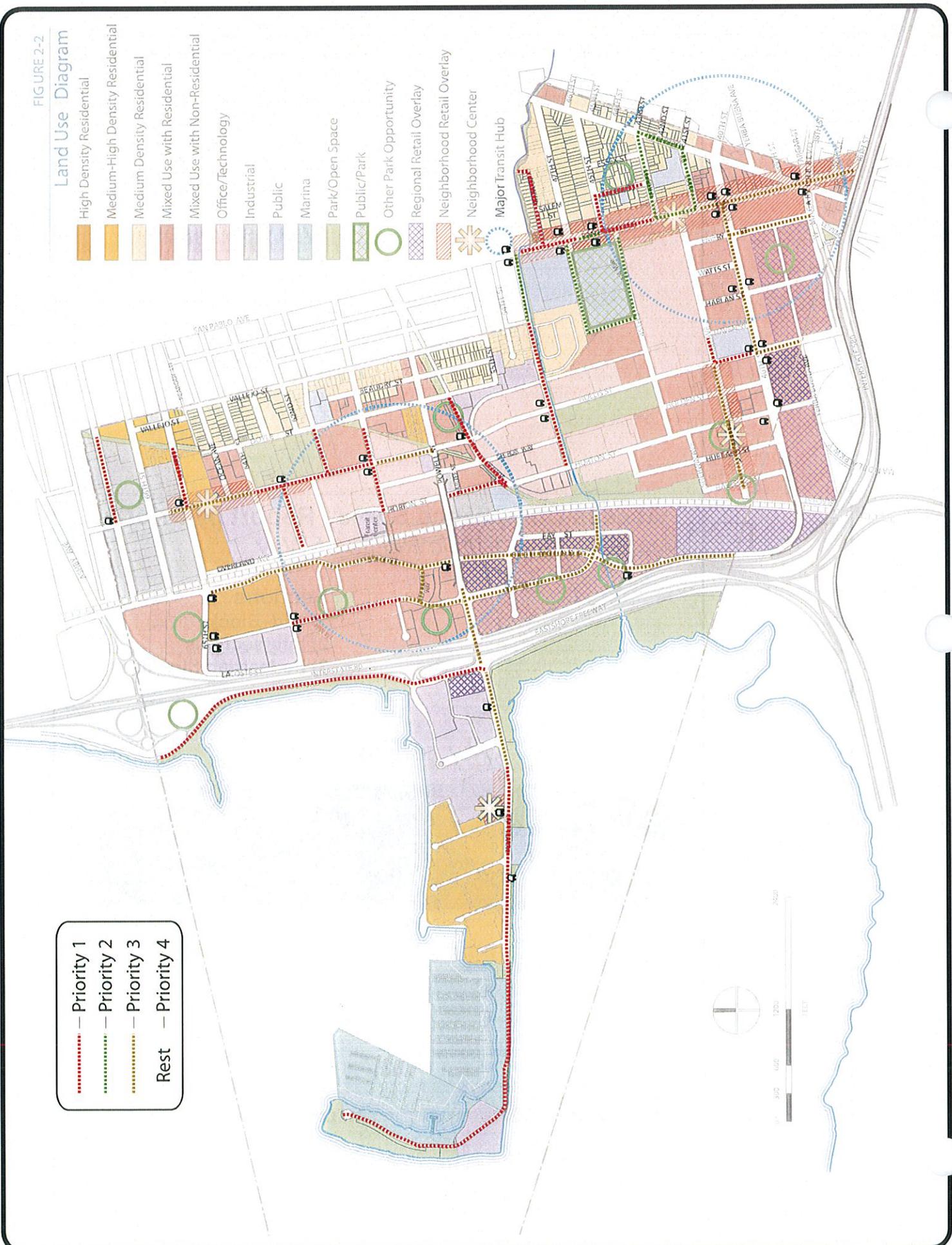
February 10, 2010

FIGURE 2-2

Land Use Diagram

- High Density Residential
- Medium-High Density Residential
- Medium Density Residential
- Mixed Use with Residential
- Mixed Use with Non-Residential
- Office/Technology
- Industrial
- Public
- Marina
- Park/Open Space
- Public/Park
- Other Park Opportunity
- Regional Retail Overlay
- Neighborhood Retail Overlay
- Neighborhood Center
- Major Transit Hub

- Priority 1
- Priority 2
- Priority 3
- Rest
- Priority 4



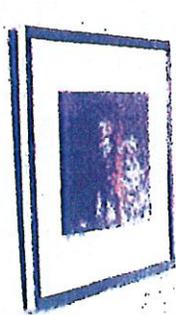
**Appendix M – Advertisements & Publications
Soliciting Information Regarding Update of Transition
Plan & Self-Survey**

City of
Emeryville

City News and Activity Guide

Fall 2009

Enjoy Emeryville's
23rd Annual
Celebration of the Arts,
October 3-25
See Page 3



Learn more about...

5 Emeryville Center of Community Life 7 Community Emergency Response Team
11 Bay Street Bridge Closure 19-20 Before and After School Programs
25 Enrichment Classes 34 FREE Senior Citizen Classes

Public Outreach Notice

Americans with Disabilities Act (ADA) Self-Survey and Transition Plan Update

The City of Emeryville is in the process of updating its ADA Self-Survey and Transition Plan, which will be used as a guide for making improvements that will facilitate accessibility by removing physical impediments from the public right-of-way and improve current levels of service in our policies, programs and procedures to the extent to which they create barriers to accessibility for persons with disabilities.

The Americans with Disabilities Act mandates that the City identify the hindrances encountered by persons with disabilities. Upon completion of this self-survey component, the Transition Plan will outline a strategy for prioritizing such improvements considering several factors such as the extent of deficiency, identified need, proximity to certain facilities, available budget, and a realistic schedule. The Transition Plan will ultimately formulate the City's strategy for transitioning to a fully accessible City.

The City of Emeryville would like your input in updating its Transition Plan. All suggestions, comments or specific deficiencies should be brought to the City's attention by November 9, 2009 so that

they may be evaluated and included in the draft plan before the public comment period. This can be done by contacting Dominique B. Burton, ADA Coordinator, preferably via e-mail at dburton@emeryville.org or by phone at 510-596-4380 and TTY Relay 711. You may also send any comments or suggestion by mail to: Dominique B. Burton, ADA Coordinator, City of Emeryville, 1333 Park Avenue, Emeryville, CA 94608.

The City appreciates your effort and thanks you in advance for your contribution to the City's Transition Plan Update. This notice is available in alternative formats, on request.



'8-To-Go' Transportation Service Area Grows!

The City of Emeryville is excited to announce that the service area of the '8-To-Go' shuttle for seniors and people with disabilities has grown to service more popular destinations in nearby Berkeley and Oakland. The additions were made via suggestions by current riders and we're happy to say we are listening! The shuttle will now transport riders to:

- Berkeley Bowl 'West'
- MacArthur BART Station
- Alta Bates, Sutter Health, and Kaiser Permanente Medical Centers



For those of you unfamiliar with '8-To-Go', it is a FREE, door-to-door, shared ride shuttle service for seniors and people with disabilities who live within the 94608 zip code area of Emeryville and Oakland. The service was made possible with a two-year grant obtained by the City of Emeryville through the Alameda County Transportation Improvement Authority (ACTIA) Measure B Special Transportation funds.

To be eligible for the '8-To-Go' service, you'll need to fill out a non-ADA application (anyone 60 years and older) or be certified through East Bay Paratransit (for those people with disabilities and between the ages of 18-59 years). For more information on '8-To-Go', please visit our webpage at <http://www.emeryville.org/8togo>, call the Emeryville Senior Center at 510-596-3730, or visit us at 4321 Salem Street for personal help in completing an application. To learn more about ACTIA Measure B Special Transportation projects, please visit their website at <http://www.actia2022.com/special.html>.

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Comment on the Accessibility of the City

Transition Plan

About ADA

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications.

City's Re-Evaluation

The City of Emeryville is undertaking a comprehensive re-evaluation of its policies, programs, and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services, activities, and facilities.

The updated Transition Plan will guide the planning and implementation of necessary program, facility, and sidewalk modifications over the next several years. The ADA self-evaluation and Transition Plan Update is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs, and facilities that include all of its citizenry.

Submit Concerns

The most important element of this update is to solicit concerns and recommendations from the public regarding accessibility issues. Please submit comments on the accessibility of City programs, facilities, and sidewalks using the [Comments on Accessibility of the City Form](#).

If you wish to speak to someone directly, [email Dominique B. Burton](mailto:dominique.burton@emeryville.org), City ADA Coordinator, or call (510) 596-4380.



City of Emeryville, 1333 Park Avenue, Emeryville, California 94608 • Ph: (510) 596-4300 • Fx: (510) 596-3005

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Accessibility of the City

First Name*

Last Name*

E-mail:

Address:

Address:

City

State:

Zip Code:

Comments:*

- [eNewsletter](#)
- [Notify Me](#)
- [Activity Guide](#)
- [Contact Us](#)

The ADA Coordinator may have follow up questions to ensure your concerns are properly considered and corrected. Check box if you do not wish to be contacted.

* indicates required fields.

City of Emeryville, 1333 Park Avenue, Emeryville, California 94608 • Ph: (510) 586-4300 • Fx: (510) 658-3095
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