

City of Piedmont

COUNCIL AGENDA REPORT

DATE: September 5, 2023

TO: Mayor and Council

FROM Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of a Design for ADA Access to Dracena Park's Off-Leash Area (CEQA Action: Exempt per CEQA Guidelines Sections 15301, 15303, 15304)

RECOMMENDATION

By a single motion, take the following action with regard to the proposed design:

1. Approve the Attached Design for ADA Access to Dracena Park's Off-Leash Area and Find the Project Exempt Under the California Environmental Quality Act Guidelines Section 15301, 15303, and 15304

BACKGROUND

Public rights-of-way and facilities are required to be accessible to persons with disabilities pursuant to the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA) of 1990. These statutes prohibit public agencies from discriminating against persons with disabilities by excluding them from services, programs, or activities. July 26, 2023, marked the 33-year anniversary of the ADA being signed into law, paving the way for communities to make positive change for inclusion and accessibility for all.

The City received a request for ADA access to an off-leash area in Piedmont. Staff consulted with the City Attorney's Office and a Certified Access Specialist (CASP). A CASp is certified by the State of California to have specialized knowledge of the applicability of state and federal ADA standards. The CASp has confirmed that equal access to all programming services offered by the City, including access to off-leash areas, is required by the ADA.

City staff and the CASp surveyed existing park properties, including the physical constraints that exist in those public spaces. Staff subsequently performed a comprehensive review of all parks with off-leash areas within Piedmont. Off-leash activities are allowed in portions of the following four parks: Linda Park, Piedmont Park, Dracena Park, and Blair Park. Based on the results of that review of existing off-leash areas, staff identified the following:

- Linda Park and Piedmont Park have significant topographical challenges that make accessibility technically infeasible. The Linda Park off-leash area is built into a steep hillside and is only accessible by stairs. The vertical change from the street parking to

the seating area is over 20 vertical feet. Piedmont Park's off-leash area consists of paths in the steep ravine of Bushy Dell Creek. Access to the off-leash area traverses very steep terrain with over 20 feet of vertical displacement, and, once in the off-leash area, the paths are very uneven, and the gradient is steep.

- Blair Park is an unimproved public space that does not have electricity, lighting, water supply, paved pathways, or ample street parking. It is maintained as an informal, natural meadow landscape that contains dirt pathways and sandy surfaces. It features only one bench that is accessible via a dirt path. The park is adjacent to a busy roadway and is unfenced. For these reasons, staff determined that siting an accessible off-leash area in Blair Park would not meet the requirements of providing access to equal programming.
- While the off-leash portions of lower Dracena Park have topographic constraints, in the upper Dracena area, there is a 140-foot portion of the existing pathway in the off-leash area of the park that is relatively flat and meets access requirements. This upper Dracena area also provides accessibility with respect to parking, water access, trash receptacles and seating. Due to favorable topography, existing infrastructure, and accessible amenities, it is feasible and practical to install a new ADA compliant pathway and provide an accessible off-leash area at this park location.

DISCUSSION

Following a comprehensive assessment of the City's parks, staff is recommending that the City focus on designing ADA improvements at upper Dracena Park in the vicinity of the existing off-leash area. Staff engaged the services of Coastland Engineers to prepare a draft design. The upper Dracena Park location has the following favorable characteristics to locate an accessible off-leash area:

- This location has a gradual slope between the roadway and the existing ADA compliant pathway, and therefore can accommodate a reasonably sized ramp or pathway.
- Access to this location is the least intrusive for non-ADA related reasons, including minimal disruption to existing landscaping, vegetation, and existing programming.
- This location is the most accessible to equal programming in the off-leash portion of the park, including access to existing pathways, benches, fountains, and trash receptacles.
- Available street parking exists on Dracena Avenue in the vicinity of the proposed off-leash area and can accommodate accessible parking.

After other designs and configurations were thoroughly considered, staff ultimately recommended a design that focused on the following guiding principles:

- Ramp should be as small as possible.
- Ramp should minimize disruption to the existing park landscaping and vegetation.
- Ramp shall connect to the existing ADA compliant pathway.

In keeping with the above guiding principles, staff presented a draft design (Attachment A) to the Park Commission at the June 7, 2023, Park Commission meeting. The design included two sections of ramps that required handrails, curbs, and small retaining walls connected by a curved middle section. The design required that two existing benches be relocated. Park Commissioners had a robust discussion on the curved ramp design, ADA accommodations and received public comments. As this was an informational update, Commissioners asked staff to consider modifications and return at the August meeting with a revised design that considered the following:

- Create an access route that utilized a path design that was more aesthetically pleasing and fit the rustic nature of the park.

- Replace ramps, handrails and curbs with a gentler sloped path that would require less grading and disruption of the existing landscape.
- Utilize an existing park entrance at Dracena Ave. and modify the curb cut as the start of the ADA accessible route.

The Commission supported a community meeting to update park users and residents on the revised design to occur before the August Park Commission meeting. After receiving feedback on the design concept from the Commission, the City scheduled a community meeting in Dracena Park for July 11, 2023. The purpose of the meeting was to obtain feedback on the revised design that reflected Commission direction. The meeting was advertised with flyers posted in the park, notification letters mailed to Dracena Park neighbors, on the Public Works projects page of the City website and the citywide website events calendar. The meeting was hosted by Public Works Director Daniel Gonzales and Parks & Project Manager Nancy Kent and was attended by 25 community members. Public Works Supervisor Nick Millosovich, Communications Program Manager Echa Schneider, three members of the Park Commission, and two members of the City Council were also present.

Staff received feedback on the proposed project from comments during the Q and A at the community meeting, emails and correspondence from interested stakeholders. While widespread support for providing access to all park users is clear, two concerns were identified. These include the impact of the proposed accessibility improvements on off-leash activities at Dracena Park, and whether other sites within Dracena Park and other parks in the City could be considered for providing accessible off-leash areas. The City also received comments expressing a desire to install additional vegetation as part of this project, and concerns regarding the health of trees and the park landscape.

Staff presented the revised design to the Park Commission at the August 2, 2023, meeting for review (Attachment B). The proposed ADA access design for Dracena Park's off-leash area incorporates the direction previously given by the Park Commission and includes the following design elements:

- A gentler path design that respects the rustic nature of Dracena Park.
- A path that begins at the modified curb cut at Dracena Ave. utilizing an existing entrance to the park.
- Use of a simpler design approach with a reduced path gradient, following the existing grade and eliminating walls, handrails and extensive grading.
- Accessible parking along Dracena Avenue which considered the existing roadway frontage configuration.

The Park Commission received public comments from park users and neighbors. After robust deliberations, the Park Commission voted unanimously to make a recommendation to City Council to approve the ADA pathway design. The Commission also recommend that additional vegetation be added in the on-leash area to reinforce the area as a buffer between the off-leash area and the neighborhood. (Attachment C)

Based on the process completed to date, staff recommends that the City Council approve the proposed design and allow the project to proceed to bidding and final award of the construction agreement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The approval of the project is exempt from the California Environmental Quality Act under

Guidelines Sections 15301 [existing facilities], 15303 [new construction or conversion of small structures], and 15304 [minor alternations]. The project consists of minor replacement and reconstruction of park features and minor alterations of the land to accomplish accessibility in an existing park. The area in which the project is located is not environmentally sensitive.

FISCAL CONSIDERATIONS

Award of the construction agreement to the lowest responsive bid will be presented to Council at a future meeting. The sum of \$200,000 in funding has been budgeted in the approved fiscal year 2023-24 budget (Project Number PK007). Funding for the project will come from the Facilities Capital Fund.

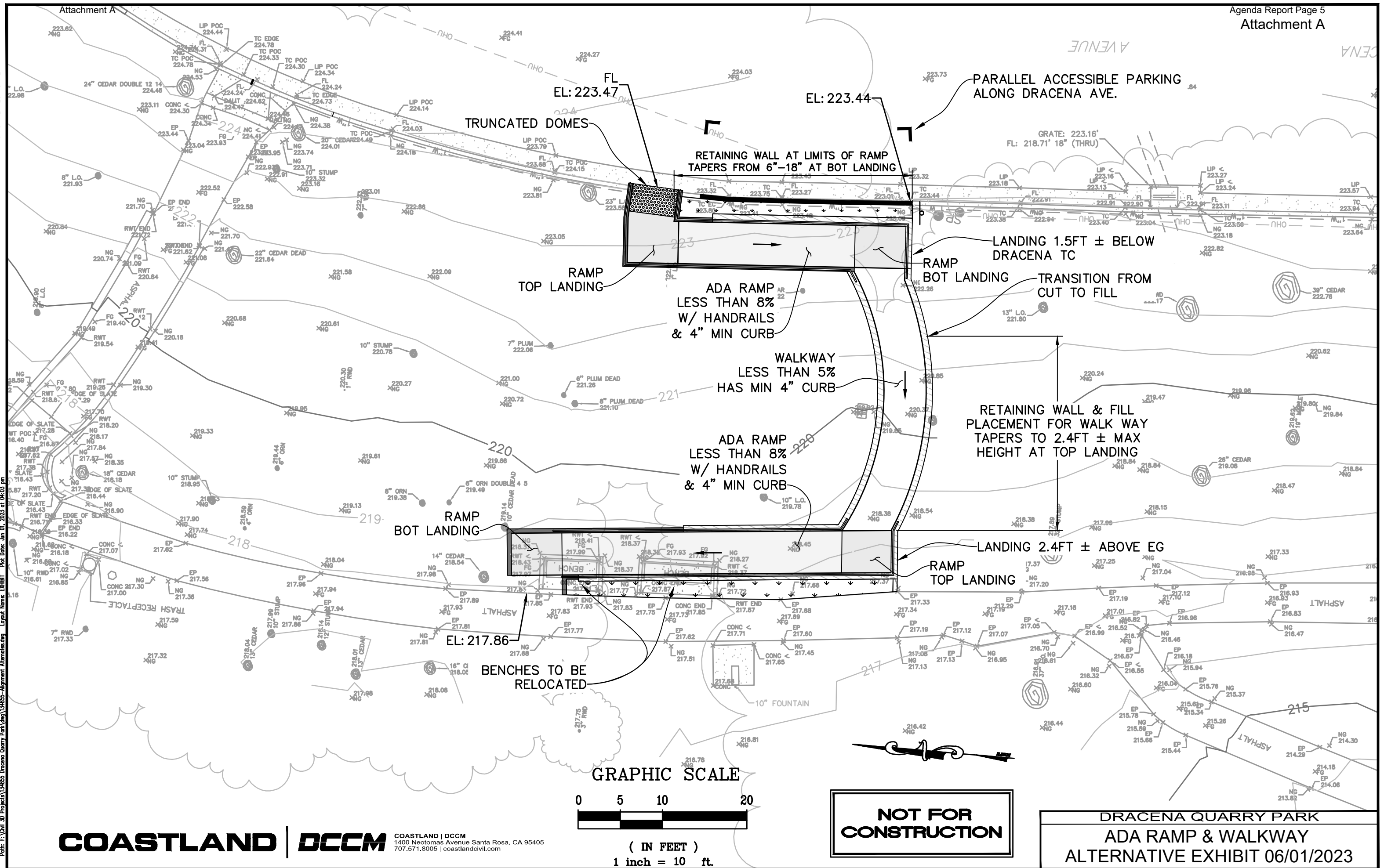
CITY ATTORNEY REVIEW

The City Attorney has reviewed the staff report.

ATTACHMENTS

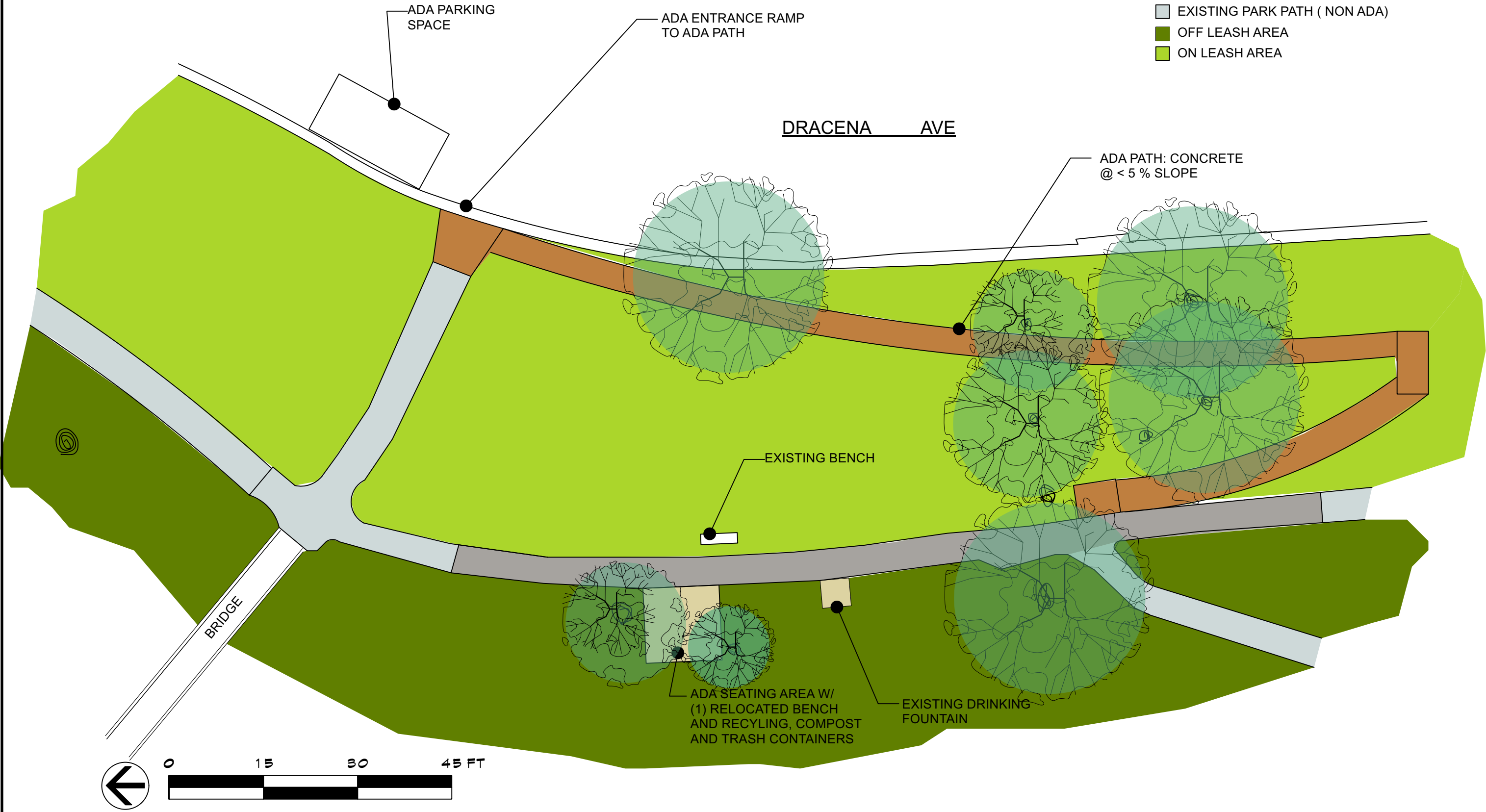
Attachment A: Curved Ramp Proposal
Attachment B: Path Proposal
Attachment C: Planting Concept

By: Daniel Gonzales, Public Works Director



DRACENA PARK ADA IMPROVEMENT
ADA PATH, PARKING AND SEATING AREA

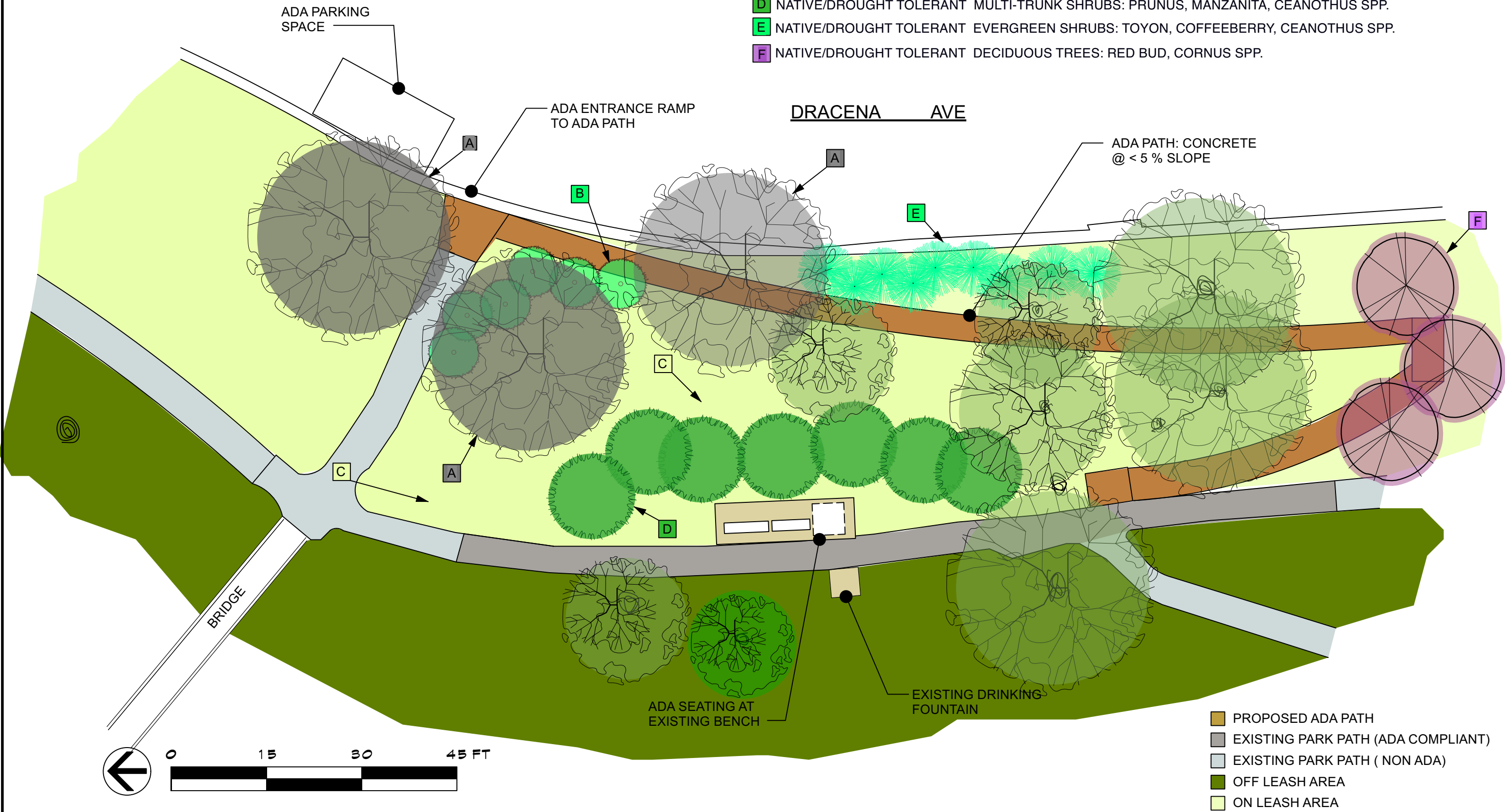
- LEGEND**
- PROPOSED ADA PATH
 - EXISTING PARK PATH (ADA COMPLIANT)
 - EXISTING PARK PATH (NON ADA)
 - OFF LEASH AREA
 - ON LEASH AREA



**DRACENA PARK ADA IMPROVEMENT
ADA PATH, PARKING AND SEATING AREA
PLANTING CONCEPT**

LEGEND

- A** NATIVE OAK TREES
- B** NATIVE/DROUGHT TOLERANT EVERGREEN SHRUBS: MANZANITA, ARBUTUS SPP.
- C** NATIVE/DROUGHT TOLERANT EVERGREEN SPREADING GROUNDCOVER: CEANOTHUS, MANZANITA SPP.
- D** NATIVE/DROUGHT TOLERANT MULTI-TRUNK SHRUBS: PRUNUS, MANZANITA, CEANOTHUS SPP.
- E** NATIVE/DROUGHT TOLERANT EVERGREEN SHRUBS: TOYON, COFFEEBERRY, CEANOTHUS SPP.
- F** NATIVE/DROUGHT TOLERANT DECIDUOUS TREES: RED BUD, CORNUS SPP.



From: [Steve Schiller](#)
To: [City Council](#)
Cc: [Nancy Kent](#)
Subject: Clarification of comments - Re: Dracena Park ADA Path - oppose current plan - Dept 15th Council Agenda Item
Date: Tuesday, September 5, 2023 12:18:32 PM

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Dear Mayor and City Council Members

Thank you to Councilmember Conna McCarthy and Parks Manager Nancy Kent for technical clarifications regarding our initial comments (see below, sent 8/28/23). We now understand that the “official” on-leash/off-leash areas are not changed with this ADA path proposal.

However, we still want to express our concern that the proposed path and landscaping will meaningfully limit the gathering area currently available in the upper park for people and their pets. Many people utilize the area proposed for modification as a vital part of their daily routine and an opportunity to get outside, exercise, and meet with fellow Piedmonters. Thus, please take into account this fundamental park activity for this and future park modifications.

Kristine Kaiser and Steven Schiller
[REDACTED]

On Aug 28, 2023, at 1:50 PM, Conna McCarthy <cmccarthy@piedmont.ca.gov> wrote:

Please reach out to Nancy Kent to view design iterations to-date. We have had several public conversations on this topic. We have explored many design options. The proposed ADA access is not being placed in the Offleash dog area. The bench is moved to accommodate ADA requirements. The city is long overdue in establishing ADA accessibility in our parks and our public buildings.
Conna

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From: Steve Schiller [REDACTED]
Sent: Monday, August 28, 2023 1:37:25 PM
To: City Council <CityCouncil@piedmont.ca.gov>
Cc: Nancy Kent <NKent@piedmont.ca.gov>
Subject: Dracena Park ADA Path - oppose current plan - Dept 15th Council Agenda Item

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Dear Mayor and City Council Members

We have significant concerns about the proposed ADA pathway design for upper Dracena Park and thus respectfully suggest the City evaluate alternate strategies and locations for an ADA-compliant path. The proposal to make the area between the existing path and Dracena Avenue an on-leash area is of particular concern. This new restriction will significantly reduce the useability of Dracena as a dog park and will not be an enforceable restriction, potentially causing conflict. Furthermore, moving the existing bench further into the shade and closer to the canyon will restrict the use of what we have seen as the number one location where people meet and where those with mobility issues rest while their dogs play.

We are neighbors to Dracena Park and use the off-leash dog area several times a week and have done so for over 20 years.

While some may welcome reducing the use of the Park, we have found this off-leash Park to be heavily utilized by Piedmonters and a real asset in our City. The City recently added new features to the Park with new restrictions for off-leash dog access, notably eliminating our use of the grass area for dog play. Adding this new restriction will further reduce the use of the Park for the many Piedmonters who have come to rely on and enjoy the use of Dracena Park.

While I appreciate the potential for neighbors' concerns (we can occasionally hear the dogs from our home), our sense is that many Dracena Avenue homeowners moved in with the off-leash dog park in place. Balancing what may be immediate neighbor concerns is the use of the Park by many Piedmonters, many of whom are seniors, who use the space proposed for further restrictions to socialize and spend time outdoors with their pets. We ask for your consideration of those using the Park and who will be burdened by this new design with its significant reduction of off-leash area.

We would thus suggest a couple of actions before approving any ADA path design for Dracena Park:

- Survey the users of the upper park area to determine how many people use it as a dog park and their opinions about further restricting the off-leash area.
- Develop alternative proposals for the ADA path. In particular, it would seem that a properly sloped path coming from the intersection of Blair Ave and Dracena Avenue (to the south of the grassy area) would work well and be less expensive since there is already a path with a minimal slope.

- Install story poles to show the new off-leash boundary options under various proposals and formally survey neighbors and park users about the designs.

We appreciate the work of the City staff and Council in addressing improved access for our parks; we just ask that it not be done in a manner that substantively restricts the use of the Park by its many current users.

Kristine Kaiser and Steven Schiller

