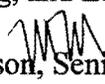


MEMORANDUM

April 28, 2014

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Marlene Michaelson,  Senior Legislative Analyst

SUBJECT: Maryland-National Capital Park and Planning Commission: Planning Department Workprogram and Department of Parks Americans with Disabilities Positions

This memorandum addresses the workprogram of the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department and new positions for the Department of Parks related to the Americans with Disabilities Act (ADA).

Planning Department Workprogram

When the Committee considered the Administration budget, it also finalized recommendations regarding the workprogram for the Planning Department. Attached on © 3 is a revised master plan schedule chart. Since the Committee met, some Councilmembers have expressed further concerns about the timing of the Gaithersburg East Master Plan and asked whether there was any way to further expedite it. An option, presented in the memorandum from the Planning Department on © 1-2, would be to split the area and have the property that is part of Montgomery Village go first, followed by property in East Gaithersburg outside the boundaries of Montgomery Village. A map showing the boundaries of Montgomery Village is attached at © 4. The first phase planning effort would be completed within a year. Since there are pending redevelopment proposals in Montgomery Village that require Master Plan consideration, this strategy would allow those projects to move forward. The recommendation from the Planning Department is that the first phase not be used as a venue to make decisions regarding M-83, since analysis being conducted by the Department of Transportation and the U.S. Army Corp of Engineers is not likely to be completed in the proposed time frame for the first phase of the Master Plan.

If the Council wants to allow the proposals for redevelopment to move ahead in an expedited manner, then Staff believes the strategy presented by the Planning Department is the best way to accomplish this goal.

Americans with Disabilities Act Positions

When the Committee met to discuss the Department of Parks budget, Councilmember Elrich indicated he wanted additional information on the request for new full time positions to work on Americans with Disabilities Act (ADA) issues. Attached on © 5 to 7 is additional information provided by the Department of Parks. They continue to believe that adherence to the law will require four new full time positions:

- Two trained in Therapeutic Recreation to develop and oversee the programs and policies for individuals with disabilities and implement and run the programs (funded partially by the Enterprise Fund and partially by the Park Fund),
- One person in facilities management to coordinate all project and maintenance activities to comply with the Department of Justice (DOJ) settlement (funded 50% by the Park fund and 50% by the CIP), and
- One person to provide additional support for the ongoing effort to retrofit parks and park facilities to comply with law and ADA Accessibility Guidelines and standards ((fund 30% by the Park fund and 70% by the CIP).

Circle 6 has a list of the specific duties and responsibilities of the new staff. Staff has the Recreation Department how they are handling ADA compliance and will summarize their response at the worksession.

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MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 24, 2014

MEMORANDUM

TO: Marlene Michaelson, Senior Legislative Analyst, County Council

FROM: Gwen Wright, Planning Director, Montgomery County Planning Department

SUBJECT: Master Plan Work Program (Montgomery Village/Gaithersburg East Plans)

Per your request, the Planning Department has prepared a few items for the PHED Committee's April 30th discussion of the Department's work program. The Chair of the PHED Committee and other Councilmembers have expressed interest in dividing the Gaithersburg East/Montgomery Village Master Plan into two separate areas, with two different schedules in the work program.

The following materials are provided to assist with the discussion:

- A revised "Master Plan and Major Projects Schedule" chart is attached that separates Montgomery Village and Gaithersburg East into two different Master Plans. As the proposed schedule shows, the Montgomery Village Master Plan would begin in October 2014 with delivery of the Planning Board Draft one year later. The Gaithersburg East Master Plan would begin after the Montgomery Village Master Plan is completed. Please note, the chart has also been revised to reflect the PHED Committee's decision to switch the schedules of White Flint II and Rock Spring, moving White Flint II forward to begin in June 2015.
- A map showing the proposed boundaries of the two Master Plan areas is attached. The geography and boundaries of the Montgomery Village Master Plan would be coterminous with the areas that are zoned Town Sector (the lavender color on the map). As shown on the map, the easternmost portion of Town Sector zoning is not contiguous with the rest of the area that is zoned Town Sector. The Gaithersburg East Master Plan would comprise the portion of the area within the red boundary line, i.e., the properties that are not zoned Town Sector, including the Airpark, the Webb Tract, Town Crest, and Flower Hill.

Issues and expectations regarding the Montgomery Village Master Plan, which are currently known, include:

- Development of the 147-acre former golf course.
- Analysis of other Montgomery Village sites, including:
 - The "Gateway" site (at Montgomery Village Avenue and Lost Knife Road)
 - The Village Center (the block bounded by Montgomery Village Avenue, Stedwick Road, Watkins Mill Road, and Clubhouse Road)
 - The Professional Center (across the street from the Village Center at Montgomery Village Avenue and Centerway Road).
- Analysis of the development plan for the Town Sector Zone. The Zoning Rewrite did not make changes to the Town Sector Zone. The Montgomery Village Master Plan will not

address the Town Sector Zone area in Germantown.

- For the purposes of the Montgomery Village Master Plan, existing and proposed transportation infrastructure will be assumed. Specifically, this plan would not address the alternatives that are being discussed for M-83 (Mid-County Highway). Phase 1 of facility planning for M-83, including alternative alignments, is ongoing by the Department of Transportation and will be reviewed by the U.S. Army Corps of Engineers; final decisions about this issue may or may not be resolved within the Montgomery Village Master Plan timeframe.

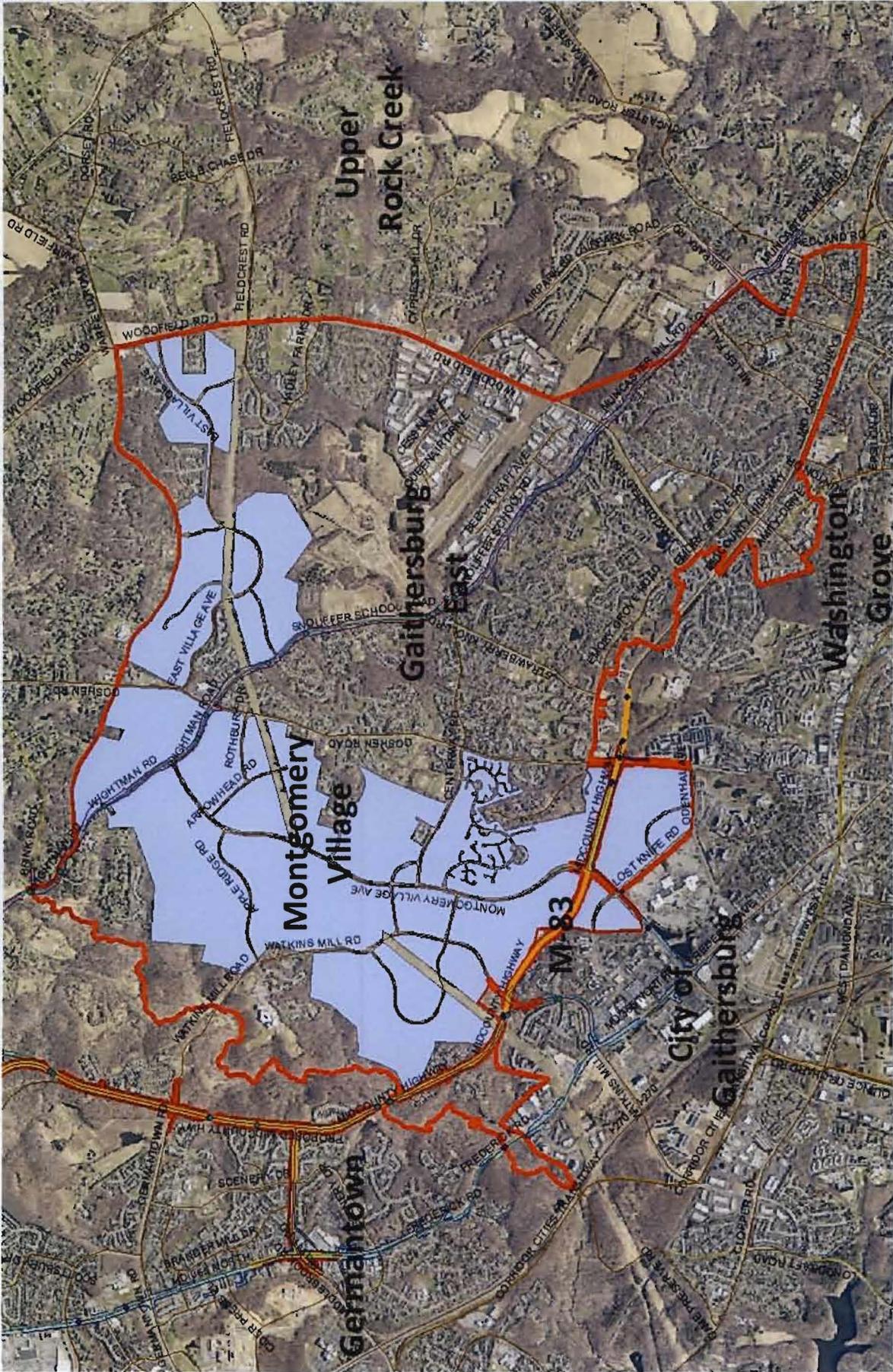
Master Plan and Major Projects Schedule FY15 Proposed

Master Plan & Major Projects	2013												2014												2015												2016												2017											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Zoning Ordinance Revision and Refinements																																																												
Chevy Chase Lake Sector Plan (Purple Line Station Plan)																																																												
Long Branch Sector Plan (Purple Line Station Plan)																																																												
Countywide Transit Corridors Functional MP																																																												
Glenmont Sector Plan																																																												
White Oak Science Gateway Master Plan/Revised Schedule																																																												
Clarksburg MP Limited Amendment - Ten Mile Creek Watershed																																																												
Purple Line at Terminus (Apex)																																																												
Sandy Spring Rural Village																																																												
Aspen Hill Property (Vitro)																																																												
Bethesda CBD Sector Plan																																																												
Recreation Guidelines																																																												
Greater Lyttonsville																																																												
Westbard																																																												
Subdivision Staging (Growth Policy)																																																												
Montgomery Village Master Plan																																																												
White Flint II																																																												
Aspen Hill and Vicinity																																																												
Rock Spring																																																												
Montgomery Hills/TBD																																																												
Master Plan of Highways/Technical Corrections and Updates																																																												
Functional Plan for Housing																																																												
Functional Plan for Co-location of Public Facilities																																																												
Gaithersburg East Master Plan																																																												
Master Plan of Highways/Land Use Near Transitways																																																												

- Staff
- Planning Board
- CE Review & Council Noticing Period
- Hearing
- Council Review
- Commission Adoption, SMA
- Hold until Election
- Planning Board Draft
- Mid-month delivery, follow by review/noticing
- Designates Fiscal Years (July to June)

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Montgomery Village and Gaithersburg East Boundaries (tentative)



M-NCPPC Department of Parks - ADA Program Access

The federal Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.

The United States Department of Justice's (DOJ) regulations implementing Title II of the ADA dictate that local governments must evaluate their services, programs, policies, and practices and identify barriers that may limit accessibility for people with disabilities and develop Transition Plans describing how they will address identified barriers. In 2006, the DOJ initiated a compliance review of Montgomery County as a part of Project Civic Access, an initiative to ensure greater access for persons with disabilities to local government programs, services, activities, and facilities. This review included an on-site survey of the County's buildings, programs, and services as well as some facilities owned or controlled by the M-NCPPC in which County programs are offered.

In order to ensure that any County program, service, or activity offered at such facilities is, when viewed in its entirety, readily accessible to and usable by individuals with disabilities, the County and M-NCPPC signed a settlement agreement with the DOJ in 2011. The agreement requires Parks to conduct a physical audit of all Park facilities and develop a Transition Plan that shows how the Park system will improve County-wide accessibility. The Agreement requires all of this work to be completed within five years with a detailed annual report during that period to demonstrate adequate progress.

The final Transition Plan, due August 2016, must include a plan, strategy and timeframe for improving facility access to our park system as well as program access. The Department of Parks has begun this work, however needs more dedicated staff to focus on meeting the requirements of the agreement.

One of the key issues here is that, as a Title II agency, Parks are required to provide program access to all persons with disabilities. Parks has been providing some ADA program access. However, what we have been doing does not meet the requirements of the law. The administration of the program access requirement includes not only the development and oversight of all programs and services offered by the Department but also the development and enactment of inclusion policies and actions to ensure that all services and programs are offered in the most inclusive setting possible.

This requires at least two separate employees— one to develop and oversee (manage) the programs and policies and one to implement and run the programs. Both of these individuals must have specialized training in the fields of therapeutic recreation (TR). No one on Parks staff has this professional training. Ultimately, this inclusion program will equal or easily exceed the facility accessibility program and there will be an ongoing, not temporary, need for these positions in the future.

The Department of Parks inclusion services program should be administered by a TR professional. It is a disservice to people with disabilities to not have TR professionals on board in a career positions. The jobs entail creating and implementing policies and procedures that will impact our services to individuals with disabilities. The TR professionals will be better able to service our participants because they have the specialized training to understand the participants' disabilities as well as a comprehensive knowledge of the laws pertaining to reasonable accommodations in program access. Parks needs a coordinated approach to providing consistent and appropriate services.

In addition, these positions will be required to provide training for all parks staff, career, seasonal, etc. The disabled community is very much aware of their rights. Once increased public outreach is initiated, Parks needs to be prepared to provide reasonable accommodations, whether it be additional staff for the programs, camps, classes, or equipment. Serving individuals with disabilities is not a cookie cutter approach. There are varying degrees of disabilities and the disability is as different as the person. We need trained staff to administer the program and anything less will lead to numerous complaints and possibly a lawsuit.



Some duties and responsibilities of these positions are:

- Receive and address any ADA Title II complaints/grievances. Responsible for the implementation of the ADA Grievance Policy (required by law)
- Ex-officio member of the Commission on People with Disabilities.
- Responsible for assisting in negotiation and taking the lead in reporting and monitoring the Project Civic Access remediation work.
- Provide training and technical assistance on ADA issues to divisions within the Department
- Respond to all formal complaint investigations from Federal enforcing agencies regarding County services. Coordinate responses with appropriate divisions.
- Monitor Title II ADA requirements. Develop County-wide policies and reviews Departmental policies related to Title II. New 2010 Title II revisions and Settlement Agreement have significant policy requirements (including an Executive Regulation), plus revisions to the Emergency Operations Plan and standard operating procedures for Emergency Shelter Management, new requirements (web accessibility, next gen 911, furniture and equipment, public right of way) are now in development. All will impact the County.
- Settlement Agreement requires the County to assess all "programs" for compliance. ADA staff will need to develop a self-evaluation tool, train staff in all divisions to do a self-evaluation, assess results and complete a report on findings and remediation steps to DOJ.
- Work with the Recreation Department and CUPF on a transition plan for recreational facilities (pools, fields, playgrounds, exercise rooms, etc.)
- Draft and monitor contracts for Sign Language Interpreting; Assistive Listening Devices; ADA Consulting for County Buildings, etc.
- Identify sources of other ADA required services and draft RFPs as needed.

The goal of the ADA is simple – to open up all aspects of American life to people with disabilities. For too long, people with disabilities were held back by old modes of thinking and old methods of building. Prevailing attitudes made it hard for people to get an education, get a job, and participate in many day to day activities as able bodied people. Barriers in society prevented people with disabilities from getting where they needed to go to build a better life.

The ADA was enacted over 20 years ago and had made great improvements in the lives of the disabled. However, significant challenges remain. The Department of Parks is in the infancy stages of the implementation of many of the ADA policies and requirements for facility and program access.

The career positions requested for FY15 require specialized training and skill to understand participants' disabilities as well as a comprehensive knowledge of the laws pertaining to reasonable accommodations in facility access and program access. This work will be on-going and is not something that, once implemented, will not be needed any more. This work program is just beginning and will continue to grow as the Department fully implements this program. As the Department of Parks progresses forward in this new endeavor, we will assess the need for additional specialized resources to fully meet the intent of the ADA and to ensure that all programs are readily accessible to and usable by individuals with disabilities.

FY15 ADA Request	Description – Program Access
Enterprise Division 2.0 WYs	Settlement Agreement requires an assessment of all "programs" for compliance. Develop and monitor a transition plan for access to recreational facilities and programs in collaboration with Department of Recreation and Community Use of Public Facilities (CUPF). Implement the ADA Grievance Policy (required by law) and take the lead in reporting and monitoring Project Civic

<p>2 Full Time Career Positions</p>	<p>Access. Develop and implement the Department's Inclusion Services program for program access to classes, camps, and special events. Develop and train staff on a self-evaluation tool, assess results and complete a report on findings and remediation steps to DOJ.</p> <p>The Department is in the infancy stages of working towards meeting the Settlement Agreement requirements. For programs, we are open to inclusion, but do not promote it. The Enterprise summer camps have hired seasonal staff with therapeutic recreation experience and training to work with our campers, and we do offer sign language interpretation upon request.</p> <p>50% Park Fund and 50% Enterprise</p>
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Other ADA positions requested in Parks FY15 Proposed Budget – Facility Access

<p>FY15 ADA Request</p>	<p>Description – Facility Access</p>
<p>Facilities Management 1.0 WY 1 Full Time Career Position</p>	<p>Focus on ADA coordination for all project and maintenance activities of the division to comply with the DOJ settlement agreement. Review all service, project and CIP requests to seamlessly integrate ADA requirements for renovations in the beginning of the process rather than taking corrective measures after the fact. Streamline compliance reporting and confirm archival information is properly transmitted and stored according DOJ/ADA requirements. Coordinate employee training on ADA specifications for accessible facilities.</p> <p>It will take many years to address all deficiencies to achieve compliance. The current Facilities Management staff work this into their program as best they can, but they do not have the expertise or training to know how to address all the ADA requirements.</p> <p>This position will be funded 50% by the Park Fund and 50% by the CIP.</p>
<p>Park Development 1.0 WY 1 Full Time Career Position</p>	<p>Provide additional Departmental support for the ongoing comprehensive effort to retrofit parks and park facilities to comply with the ADA, including revisions of Title II of the Act that went into effect on March 1, 2011, and ADA Accessibility Guidelines (ADAAG) and standards. Includes policy development and advanced technical training for Department of Parks' architects and engineers to ensure that ADA compliance and accessibility are incorporated throughout the park system's planning, design, and construction processes to ensure that parks and park facilities comply with the new revisions to Title II of the ADA.</p> <p>30% Park Fund and 70% CIP</p>