



Final Report: February 2017

**CITY OF PORTLAND**

# **ADA Title II Transition Plan Update - Performing Arts Venues**

# Introduction

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On November 6<sup>th</sup>, 2014, City Council approved the Americans with Disabilities Act (ADA) Title II Transition Plan Update for the City of Portland (the City). This proposed Performing Arts Venues ADA Transition Plan is a supplement to the ADA Transition Plan Update that was approved in 2014.

The City owns three performing arts facilities – the Portland’s Centers for the Arts – the Keller Auditorium, Arlene Schnitzer Concert Hall and Antoinette Hatfield Hall. Antoinette Hatfield Hall contains three venues: The Newmark, Winningstad and Brunish Theaters. These facilities are operated by the Portland’s Centers for the Arts through an Intergovernmental Agreement with Metro under the authority of the Metropolitan Exposition and Recreation Commission (MERC).

These facilities were not included in the City’s initial Redevelopment of the ADA Title II Transition Plan effort completed in 2014. To ensure consistency with the rest of the effort, the same consultant team and methodology were used to perform assessments at the Portland’s venues in early 2016. The City’s Spectator Venues Program has worked in collaboration with Metro, MERC, and the Portland’s staff to review the assessed barriers and categorize them into a 20-year work plan for each venue. This document summarizes the process used, the barriers for each facility, and the proposed work plan for mitigation.

The 2,770-seat Arlene Schnitzer Concert Hall opened in 1928 and spent most of its life as the Paramount Theater, showing first movies and later hosting concerts. It was acquired by the City in the early 1980s and underwent a major renovation to become one of the City’s premiere large concert venues, a role it continues to play today. The Oregon Symphony holds all its concerts at the “Schnitz” and many touring acts use the facility each year. The theater is listed on the National Register of Historic Places.

The 3,000 seat Keller Auditorium was built in 1916-17 and underwent an extensive remodel and modernization in 1967-68. The Portland Opera and Oregon Ballet Theater hold many of their performances here and the Keller is the only venue in Portland that is regularly used by travelling Broadway shows.

Antoinette Hatfield Hall opened in 1987 and houses three theaters ranging from 200 to 880 seats, as well as the administrative office of Portland’s Centers for the Arts and a full service restaurant and bar.

# Transition Plan Process

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To fully comply with the legal mandate for a Self-Evaluation and Transition Plan, the City of Portland completed inventories of physical barriers at City facilities. The larger Transition Plan process is identified in the previously accepted Americans with Disabilities Act Transition Plan update (2014). That document is available online from the City's Office of Equity and Human Rights ([www.portlandoregon.gov/oehr/ada](http://www.portlandoregon.gov/oehr/ada)).

## Facility Evaluation Process

During the first half of 2016, consultants working for the Spectator Venues Program completed physical audits of the publicly accessible portions of the three Portland's buildings. These audits identified potential barriers to accessibility, documented the applicable State and Federal standards, and provided initial recommendations for alterations in order to meet the standards.

The facility evaluations were conducted using the ADA 2010 Standards and the 2010 Oregon Structural Specialty Code Chapter 11 Accessibility. When one of the codes was more stringent than the other, the more rigorous of the codes was applied. Building codes are revised every few years and this barrier evaluation provided a description of current conditions as viewed by current code and provided a baseline for future barrier removal. It is important to note with revisions to the building code that all future barrier removal projects shall comply with the code at the time of the future alteration.

Evaluators used accessibility checklists to evaluate for potential barriers; the checklist covered all manner of barrier conditions commonly found including signage, paths of travel, and restrooms. Findings from the facility evaluations were entered into a database and facility reports outlining identified barriers and proposed barrier removal actions were produced. The resulting facility reports are available under separate cover from the City. Each facility report lists potential barriers, provides information about the relevant State and Federal codes; includes a planning level cost estimate to remove the barrier; and indicates a barrier removal category.

In the Arlene Schnitzer Concert Hall 410 individual potential barriers were identified, the Keller Auditorium 572, and Antoinette Hatfield Hall 568.

## Public Engagement Process

Community involvement and input were sought during the drafting of this Transition Plan. The community has been involved in the Transition Plan development, as required by Federal Statute 28 CFR 35.150(d)(1):

“In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.”

The draft Transition Plan was made available online and physical copies of the Plan were made available to the public for review from December 16, 2016 -January 31, 2017 at the following locations:

**Portland Office of Equity and Human Rights**

421 SW 6<sup>th</sup> Ave, Suite 500

**Central Library**

801 SW 10<sup>th</sup> Ave

**Antoinette Hatfield Hall (Box Office)**

1111 SW Broadway Ave

The City’s website also included information about the Transition Plan and information about the Plan and the public outreach process was distributed through Portland’s resident companies (Opera, Ballet, Symphony, etc.), and via email and Facebook by the OEHR staff. To the extent possible, the outreach process was targeted to reach patrons of the venues who may experience accessibility issues.

Individuals submitted comments through an online form, via email, or via phone.

The City and Portland’s also provided the public the opportunity to comment on this draft Transition Plan in person by hosting a Public Open House on January 24, 2017 at the Brunish Theatre to address any questions and gather public comment. City and Portland’s staff were on hand to facilitate the open house, engage the public, address questions, gather public comments, and provide information (both verbally, and with relevant documents).

**Public Comment Summary**

Public comments on the Transition Plan were received from comments submitted online, via email, and in conversation at our public open house.

Comments were reviewed by the Spectator Venues ADA Transition Plan team, the Portland’s Director of Event Services, and the City’s ADA Title II Coordinator.

All of those who commented on the draft plan felt that over time the Performing Arts Venues ADA Transition Plan would increase, or somewhat increase, accessibility in the venues. Most commenters expressed concern about the lack of wheelchair accessible seating/variety of seating options available for disabled patrons. Several respondents and attendees asked for additional information regarding accommodations for specific disabilities including the legally blind or those with hearing loss. Commenters also asked about accommodations or building modifications that were outside the scope of this Transition Plan. Those with specific questions were put in touch with and encouraged to speak with Portland's directly for accommodations. The Portland's staff has offered and will continue to offer programmatic solutions that go above and beyond ADA minimums to make their physical spaces and events as accessible as possible.

From the outreach conducted, the only specific physical barriers mentioned were the lack of variety and number of wheelchair accessible and companion seating and the steepness of the aisles in the venues. The only specific recommendations received were to increase the number and variety of wheelchair accessible seating and companion seating. There were no other comments regarding specific physical barriers at any of the performing arts venues.

Overall the feedback received pointed to the acknowledged physical limitations in these buildings, but also to the work already being done by Portland's to accommodate patrons.

## **Website**

Providing public access to City publications online is an effective means of reaching persons with disabilities. New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible.

The City's website has a web page on the Americans with Disabilities Act Title II Program that provides information on the City's policies, including the nondiscrimination notice, and links to programs offered by the City. Service request forms, the ADA complaint form, and contact information are all included on the page. The web page can be found at <https://www.portlandoregon.gov/oehr/66522>.

There is also a web page for the City of Portland Disability Program that provides information about upcoming events, news, and services. The City of Portland's Disability Program is meant to connect, support, and encourage collaborative and inclusive engagement between the people of the disability community, neighborhoods, and city government. The web page can be found at <http://www.portlandoregon.gov/oni/28994>.

# Transition Plan Methodology

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The City-wide process of developing the Transition Plan included the identification of barriers (the facility assessment), the evaluation of the barriers to assign a category as outlined by the ADA (categorization), and identifying likely approaches to addressing the barrier (maintenance or capital project). After the barriers were identified, categorized, and evaluated, a work plan was created. This effort to evaluate the City's performing arts venues followed the same process used for other City facilities. Working with Portland's Centers for the Arts, the City of Portland has identified a 20-year timeline for barrier removal, pending available resources.

## Prioritization (Categorization) Process

Each of the potential barriers assessed was assigned a barrier category. The following categorization protocol is referenced in the ADA under 28 CFR Part 35, §35.150 and §35.150 under Subpart D - Program Accessibility. The term "priority" is used within 28 CFR Part 35, but is referred to as "category" within this Transition Plan document and its appendices. The principle of the protocol is to ensure that basic access is provided, access to activities is provided, amenities are accessible, and alternatives to architectural modifications are allowed when appropriate. The criteria listed below were used to assist in the determination of specific program-based barrier removal actions within a building or facility for the ADA Transition Plan schedule.

**Category One:** The highest Category 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 (e.g., exterior doors, ramps, stairs, seating, corridors, etc.).

**Category Two:** A second Category is placed on those barrier removal items that improve or enhance access to program use areas (e.g., hallways, interior doors, restrooms, etc.).

**Category Three:** A third Category is placed on those barrier removal items that improve access to amenities serving program areas (e.g., drinking fountains, ATMs, areas for eating and drinking, etc.).

**Category Four:** A fourth Category identifies areas or features not required to be modified for accessibility (e.g. duplicate features like more accessible seating areas or doorways than needed to meet requirements).

**Category Five:** A fifth category identifies elements of the facility that have been noted as historic. Alterations to remove those barriers may negatively impact the historic character.

Potential barriers can be assigned multiple categories as in "1 or 4". Multiple categories can be assigned because in cases where a venue has multiple sets of doors, not all of them need to be

accessible to meet the Architectural Barriers Act. Thus the doors can be listed as a 1 or a 4 with the idea that some—at least 60% of entrances—would be addressed to be fully accessible (1) and the others subsequently deemed not required to be modified (4). Additionally, some elements in the Arlene Schnitzer Concert Hall were listed as a given category and historic, for example “2 or 5”. Given the historic designation of the building, the City and Portland’s will work to develop a plan that will likely combine some architectural and some programmatic approaches to barrier removal.

## Prioritization Process

The ADA Title II Technical Assistance Manual states “when choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities”. Recognizing that the City and Portland’s have limited funds and cannot immediately address all barriers in every facility, City and Portland’s staff considered a number of items to prioritize barriers.

### Prioritization Process

The Portland’s venues’ work plans were created using the following criteria for prioritization:

**Nature of barrier:** Items that could be addressed via maintenance were prioritized early in the work plan. More complex barriers requiring architectural or engineering expertise to determine the feasibility of mitigation were placed after Year 4 of the plans to allow time for plan refinement and technical assessment;

**Level of use by the general public:** Areas of the facilities that have higher levels of public use were assigned a higher priority—main lobbies, main sets of doors, orchestra-level bathrooms;

**Geographic distribution:** Barriers were grouped by location. For example, all barriers associated with the main outside entrances to a building are grouped together, the left side orchestra-level entrances and associated ramps are grouped together, the 2<sup>nd</sup> balcony, etc. This grouping enables all barriers in a given section of a facility to be associated. The goal, in grouping in this way, is to be able to address areas of the facilities so as to make areas fully accessible at a given time instead of addressing barriers solely by type.

### Barrier Approach

The identified 1,550 potential barriers were then sorted by type, based on whether they were likely to be addressed during fairly routine maintenance, or require being addressed in a larger capital project. To assign the barrier type, staff used the barrier removal actions (address ramp slope issue, adjust door closure, etc.), identified during the evaluations. Staff then discussed the most likely method for addressing each action, based on anticipated complexity. The table below outlines the number and percentage of barriers assigned to these two barrier types.

### Distribution of Barrier Type

<b>Barrier Type</b>	<b>Number of Barriers</b>	<b>Percent of Barriers</b>
Maintenance	550	35.5%
Capital	1000	64.5%
<b>Grand Total</b>	<b>1550</b>	<b>100.0%</b>

Barriers likely to be addressed via maintenance activities were pulled out of their geographic groupings to be addressed first, in Years 1 & 2 of the work plans.

It is important to remember that developing a precise approach to addressing each individual barrier of the 1,550 barriers will occur as projects move forward, so projects may shift from maintenance to capital (or vice versa) as more details are known.

# Performing Arts Venues ADA Transition Plan

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This supplement to the City’s ADA Transition Plan is focused on implementing physical solutions to potential barriers at the Portland’s venues. However, as individual barrier-removal projects move forward, in some cases there may be programmatic approaches to address specific barriers as an alternative to removal of the physical barrier.

## Barrier Removal Schedule

The work plan reflects the ADA requirement that programs, activities, and services drive the development of the Transition Plan schedule. Barriers in the Spectator Venues facilities will be addressed systematically based on the established program priorities listed earlier. It is the intent of Spectator Venues Program to address and remove barriers to accessibility based upon on the immediate necessity of programmatic access, degree of complexity, and overall cost. The Spectator Venues Program and Portland’s also intend to be opportunistic in pursuing addressing barriers as part of individual project scope development, and to pursue additional funding sources to address more challenging barriers.

The ADA Transition Plan work plan is the required schedule that summarizes when identified accessibility barriers will be removed, pending available resources.

The Performing Arts Venues ADA Transition Plan work plan will represent the following schedule timeline:

- Year 1: Fiscal Year 2017/18
- Year 2: Fiscal Year 2018/19
- Years 3-5: Fiscal Years 2019/20 - 2021/22
- Years 6-10, Fiscal Years 2022/23 - 2026/27
- Years 11-15: Fiscal Years 2027/28 - 2031/32
- Years 16+: Fiscal Years 2032/33+

Staff identified the schedule, or timeline targets for addressing barriers based on whether the barriers were likely maintenance or capital projects, the geographic location, and expected need for architectural/engineering analysis. Barriers were grouped by location, providing that barriers in one part of a facility would be addressed at the same time, enabling one section of the facility to become considerably more accessible in multiple ways.

In general, barriers that staff anticipated could be addressed mostly with existing maintenance resources, were scheduled in Years 1-2. Future known capital improvement projects (door

upgrades, elevator replacements) were placed in the plan for their proposed future work dates, if known. As new capital projects are scoped, staff will continue to look for opportunities to address barriers in advance of the Transition Plan target schedule.

Additionally, due to the complex nature of many of the identified barriers (slopes of walkways, widths of load bearing walls) City staff anticipates working with consultants to complete a technical refinement effort by Year 4 of the work plans. This refinement process will involve architectural and engineering analysis on the feasibility of certain barrier removals. With this in mind, any barriers requiring architectural or engineering analysis have been placed after Year 4 in the work plans.

### **Barrier Removal Actions and Project Types**

The work plan includes a summary of barrier removals. The detailed barriers are included in the Facility Reports. The following summary tables are organized to show the general location and types of anticipated barriers to be removed at each assessed venue by fiscal year.

Years 1 & 2 Fiscal years: 2017/18-2018/19	Years 3-5 Fiscal Years: 2019/20 - 2021/22	Years 6-10 Fiscal Years: 2022/23 - 2026/27	Years 11+ Fiscal Years: 2027/28+
<b>Arlene Schnitzer Concert Hall – 410 Potential Barriers</b>			
<b>Basement</b>			
Door Closer Restroom (Maintenance) Signage	Drinking Fountain Paths of Travel Restrooms Hazards		Elevators
<b>Orchestra Level</b>			
Door Closer Signage		Door/Gate Paths of Travel Eating & Vending Drinking Fountain Hazards	Door/Gates Paths of Travel Hazards
<b>Mezzanine Public Areas</b>			
Door Closer Stairway Signage			Eating & Vending Doors/Gates Paths of Travel Drinking Fountain
<b>Lower Tunnel</b>			
Door Closer Restroom (Maintenance) Signage	Doors/Gate Paths of Travel Drinking Fountain Restrooms Hazards		
<b>Upper Tunnel</b>			
Door Closer Signage			Doors/Gates Drinking Fountain Hazards Paths of Travel
<b>Balcony</b>			
Door Closer Signage			Doors/Gates Hazards
128 Total	61 Total	113 Total	108 Total

Years 1 & 2 Fiscal years: 2017/18- 2018/19	Years 3-5 Fiscal Years: 2019/20 - 2021/22	Years 6-10 Fiscal Years: 2022/23 - 2026/27	Years 11+ Fiscal Years: 2027/28+
<b>Keller Auditorium – 572 Potential Barriers</b>			
<b>Orchestra Level</b>			
ATM Door Closer Drinking Fountain Path of Travel Restroom (Maintenance) Signage Fire Alarm	Doors/Gates Drinking Fountain Elevators Hazards Restrooms Controls/Outlets Paths of Travel	Seating Paths of Travel Eating & Vending Doors/Gates Drinking Fountain Hazards	Eating & Vending Doors/Gates Paths of Travel
<b>Box Level</b>			
Door Closer Signage			Doors/Gates Paths of Travel Drinking Fountain Hazards Controls/Outlets
<b>1<sup>st</sup> Balcony</b>			
Door Closer Restroom (Maintenance) Signage	Doors/Gates Paths of Travel Hazard Restrooms		Eating & Vending Doors/Gates Drinking Fountain Hazards
<b>2<sup>nd</sup> Balcony</b>			
Door Closer Restroom (Maintenance) Signage Fire Alarm			Eating & Vending Doors/Gates Drinking Fountain Hazards Restrooms Controls/Outlets Paths of Travel
<b>215 Total</b>	<b>84 Total</b>	<b>102 Total</b>	<b>171 Total</b>

Years 1 & 2 Fiscal years: 2017/18- 2018/19	Years 3-5 Fiscal Years: 2019/20 - 2021/22	Years 6-10 Fiscal Years: 2022/23 - 2026/27	Years 11+ Fiscal Years: 2027/28+
<b>Antoinette Hatfield Hall – 568 Potential Barriers</b>			
Floor 1 Main Entrance Lobby			
Door Closer Signage Restroom (Maintenance) Eating & Vending ATM	Doors/Gates Paths of Travel Hazards Restrooms	Eating & Vending Elevators	Eating & Vending Drinking Fountain Doors/Gates Paths of Travel Controls/Outlets
Winningstad Theater All Floors			
Door Closer Drinking Fountain Signage Paths of Travel Seating			
Floor 2 Lobby - Newmark Orchestra Level			
Door Closer Signage Fire Alarm Paths of Travel Restroom (Maintenance) Seating	Doors/Gates Paths of Travel Hazards Restrooms	Drinking Fountain Eating & Vending Hazard	Doors/Gates Paths of Travel
Floor 3 – Newmark Balcony			
Door Closer Signage Eating & Vending Restroom (Maintenance)	ADA Restroom		Doors/Gates Drinking Fountain Hazards Restrooms Paths of Travel
Floor 4 – Newmark Upper Balcony & Brunish Theater			
Door Closer Signage Eating & Vending Restroom (Maintenance) Fire Alarms	ADA Restroom		Doors/Gates Drinking Fountain Eating & Vending Hazards Restrooms
Floor 5 – Portland’s Offices & Ground Level Rear Entrance			
Door Closer Signage Restroom (Maintenance)			Doors/Gates Controls/Outlets Hazards Restrooms
207 Total	125 Total	17 Total (Elevators)	219 Total

# Appendices

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The development of the Transition Plan was based on the findings of the facility evaluations and meetings with City staff and stakeholders to establish the schedule for addressing barrier removal. The following appendices reference the Performing Arts Venues reports.

## **Facility Reports**

The Performing Arts Venues facility reports are available under separate cover and available by contacting the City's ADA Title II Coordinator or by accessing them on the City's website: [www.portlandoregon.gov/oehr/article/507167](http://www.portlandoregon.gov/oehr/article/507167)