

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING THE CITY ENGINEER TO INSTALL RESIDENTIAL ON-STREET PARKING SPACES FOR THE DISABLED

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILPITAS AS FOLLOWS:

WHEREAS, the City of Milpitas adopted a Policy allowing for the Installation of Residential On-Street Parking Spaces for the Disabled, and

WHEREAS, the City desires to help improve the quality of life of disabled residents,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas that the City Engineer be authorized to evaluate requests for the installation of Residential On-Street Parking Spaces for the Disabled and make every effort to install the disabled parking space if a resident with disabilities demonstrates eligibility as set forth in the policy.

PASSED AND ADOPTED this _____ day of _____ 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

APPROVED

Mary Lavelle, City Clerk

Jose S Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

MEMORANDUM

Engineering Division



To: Honorable Mayor Esteves and City Council Members

Through: Thomas C. Williams, City Manager

From: Greg Armendariz,
Director of Public Works/City Engineer

By: Jaime O. Rodriguez
Traffic Engineer

**Subject: Policy for the Installation of
Residential On-Street Parking Spaces for the Disabled**

Date: October 16, 2007

Recommendation: Approval a Policy for the Installation of Residential On-Street Parking Spaces for the Disabled

Background:

The City of Milpitas has historically not accommodated the installation of on-street disabled parking spaces on residential streets. The City has the authority to regulate the installation of disabled parking spaces on local streets pursuant to California Vehicle Code Section 22511.7 and Municipal code Section V-100-10.17.

Several residents have requested the installation of on-street disabled parking spaces that may benefit from their installation. The City has developed this policy as a courtesy to residents with disabilities but the City is not legally required to provide an on-street parking space for persons with disabilities.

On-Street disabled parking spaces consist of a handicap parking sign and blue curb. This policy will provide a consistent method for staff to evaluate these and future requests in a manner that will not result in adverse impacts to the community. If a resident with disabilities demonstrates eligibility for the City to install a disabled parking space by satisfying the criteria set forth below, the City will make an effort to offer a disabled parking space.

Analysis:

On-street parking where available is a benefit, not a right, to home owners. There are conditions where providing on-street disabled parking on residential streets can help to improve the quality of life of disabled residents. If not properly regulated though, the installation of disabled parking spaces can impact the quality of life of neighbors and the surrounding community, such as in areas where residential streets are overwhelmed by an unusual amount of on-street parking demand. The following physical and regulatory factors are recommended evaluation criteria when on-street disabled parking spaces are requested in residential neighborhoods:

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Proof of Residency

Requests for the installation of residential on-street disabled parking spaces should be made only by residents of the City of Milpitas and for the space directly in front of their residence only. Proof of residency should consist of 1) a valid California Driver's License or Resident Card and 2) either a utility bill, rental agreement, or property tax bill that has a matching address.

Proof of Disability and Disabled Placard

Only requests from Certified Disabled Person or Disabled Veteran in possession of a valid State-issued Disabled Plate for a vehicle with a matching registration address to the requested address location or Disabled Placard should be considered. Proof can be provided through a copy of the applicant's Department of Motor Vehicle (DMV) vehicle registration or receipt for a recently processed DMV application.

Proof of Public Street Residence

Both the physical address and primary home & garage entry of the requestor should be on a public street. Installing an on-street disabled parking space on a public street for a residence whose primary access is on a private street may require substantial civil improvements on private property to ensure unobstructed access from the vehicle to the residence. Residents requesting for the installation of an on-street disabled parking spaces on a public street but whose residences is on a private street should be directed to contact their Home Owner's Association (HOA) for them to consider the installation of the disabled parking space within the private community.

Requests by an HOA or an HOA on behalf of a community resident should not be considered.

Proof of Garage Impact

For residences with attached garages, the applicant should be able to demonstrate that their vehicle cannot physically enter the garage or that when parked in the garage that entry or exit from the vehicle can not be easily accomplished. Impacts from the storage of private property within the garage should not be considered an immitigable impact to allow entry into a garage or to allow entry/exit from the vehicle. Examples of legitimate garage impacts can include:

- Special lift-equipment on vehicles that restrict entry or storage into a garage, or
- Costly civil impacts to the dwelling unit to provide for entry from the garage into the unit itself

For residence with detached garages, the applicant should be able to demonstrate that entry or exit from the vehicle within the detached garage or anywhere within the private residence is not possible.

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Proof of Driveway Impact

When Proof of Garage Impact is validated, the applicant should also be able to demonstrate that the use of the private driveway is unavailable or infeasible. Examples of legitimate driveway impacts can include:

- Driveway is too steep to allow for entry or exit from a vehicle onto a mobility device, driveway slope larger than 4%
- Costly civil impacts are required to allow for entry or exit from the vehicle

Investigation of Insignificant On-Street Impacts

Staff should evaluate the requested on-street disabled parking space location to ensure that installation is physically feasible and that it will not have a significant impact on adjacent neighbors or the surrounding community. Factors that to be considered include:

Parking Restrictions: Existing parking restrictions such as, but not limited to, red curb, No Parking signs, or fire hydrant impacts should not be overridden to accommodate requests.

Specific attention should be made by the investigator to ensure that there are no existing adjacent on-street disabled parking spaces within 500-FT.

Parking Demand: The existing on-street parking demand during evenings and weekends should not exceed 70% within 500-FT of the requested disabled parking space location.

Vehicle Access: In cases where passenger side access to the resident's vehicle is required to allow for loading/unloading, the sidewalk or park strip in front of the proposed disabled parking space should be unobstructed or mitigated for access, at the cost of the home owner, prior to the installation of the disabled parking space.

Roadway Safety: No unusual roadway characteristics should be present that may impact roadway operations or entry/exit from the vehicle from the driver-side such as curves in the roadway or pavement failures.

If the installation criterion above is satisfied, the following requirements and conditions should be agreed to by the applicant before implementation:

1. Installation and Maintenance

Sign installation and maintenance costs of \$75.00 must be paid annually by the applicant.

2. Annual Renewal

The applicant shall submit annually his/her Proof of Residency and Proof of Disability. The City shall send via postal mail a renewal reminder one month prior to the initial installation date. The annual maintenance fee will be requested at that time.

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3. Disabled Parking Neighborhood Usage

The disabled parking space is not a private space and must be shared with other persons and vehicles licensed to park in a disabled parking zone on a first come first serve basis.

4. No Long-Term Storage of Vehicles

a. The disabled parking space shall be used for long-term storage of vehicles. The vehicle must be kept in good repair and shall be operational, as outlined in the California Vehicle Code. For the purpose of this policy, long-term storage of vehicles is defined as any vehicle parked or left standing on a public street in the same location and not driven or moved in excess of three (3) calendar days.

b. If the applicant is unable to move his or her vehicle within the three (3) day period, the Applicant shall request an extension of this period from the City Engineer.

5. Misuse & Removal of Disabled Parking Space

A disabled parking space shall not be misused. Any misuse shall result in the removal of the space. Misuse shall be determined by the City Engineer, at his/her discretion, but include the following factors:

- More than three (3) complaints in a one (1) year period
- Repeated misuse even after the receipt of written correspondences from the City
- Failure to provide annual proof of disability
- Failure to provide annual maintenance fee

6. City Removal of Disabled Parking Space

The City may remove any on-street disabled parking space at any time to improve traffic operations and safety or to accommodate temporary construction.

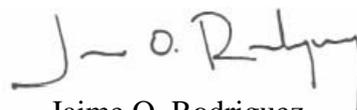
7. Appeal Process for Non-Approved Applications of City Removal of Spaces

The applicant may submit a written appeal to the City Engineer for consideration in response to applications not approved or City-initiated removal of an on-street disabled parking space.

Recommendation:

Approve Policy for the Installation of Residential On-Street Parking Spaces for the Disabled.

If you have any questions, please feel free to contact me at (408) 586-3335.



Jaime O. Rodriguez
Traffic Engineer

RESIDENTIAL ON-STREET PARKING SPACE FOR THE DISABLED

Draft



City of Milpitas – Traffic Engineering Division – 455 E Calaveras Blvd, Milpitas, CA 95035 – (408) 586-3335

INTRODUCTION

The Milpitas City Council approved this policy allowing for installation of residential on-street parking spaces for the disabled as a courtesy to help enhance the mobility of disabled residents. The City is not legally required to provide an on-street parking space for persons with disabilities, and the Traffic Engineering Division, has the sole discretion to approve or deny any applications.

Only applications from Certified Disabled Patrons or Disabled Veterans that satisfy the Installation Criteria set forth below, and that agree to the following Installation Conditions and Agreements will be considered.

INSTALLATION CRITERIA

The following criterion is used in evaluating applications. If a resident with disabilities demonstrates eligibility for the City to install a disabled parking space by satisfying the criteria set forth below, the City will make an effort to offer a disabled parking space. The information must be provided by or demonstrated by the applicant to a City staff member during a coordinated site visit:

- Proof of Residency
- Proof of Permanent Disability and Possession of Disabled Plate or Placard
- Proof of Public Street Residence
- Proof of Garage Impact
- Proof of Driveway Impact

The City also takes into consideration the following elements to ensure that no significant impacts may result from the installation of a disabled parking space:

- *Existing Parking Restrictions:* Existing parking or regulatory restrictions that prohibit parking in front of the applicant's residence cannot be removed to accommodate a disabled parking space.
- *Parking Demand:* The existing on-street parking demand during evenings and weekends should not exceed 70% of the available on-street parking within 500-FT of the requested disabled parking space location. There should also be no other existing disabled parking space within 500-FT of the proposed location.
- *Passenger Side-Vehicle Entry:* In cases where passenger side-entry of the applicant's vehicle is required, the sidewalk or park strip in front of the proposed disabled parking space should be unobstructed or mitigated for access at the cost of the home owner prior to installation of the disabled parking space.
- *Roadway Safety:* No unusual roadway characteristics should be present that may impact roadway operations or entry/exit from the driver-side of the applicant's vehicle such as curves in the roadway or pavement failures.

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INSTALLATION CONDITIONS AND AGREEMENTS

If the installation criterion above is satisfied, the applicant must agree to the following requirements and conditions:

1. Installation and Maintenance

Sign installation and maintenance costs of \$75.00 must be paid annually by the applicant.

2. Annual Renewal

The applicant shall submit annually his/her Proof of Residency and Proof of Disability. The City shall send via postal mail a renewal reminder one month prior to the initial installation date. The annual maintenance fee shall be requested at that time.

3. Disabled Parking Space - Neighborhood Usage

The disabled parking space is not a private space and must be shared with other persons vehicles licensed to park in a disabled parking zone on a first come first serve basis.

4. No Long-Term storage of Vehicles

a. The disabled parking space shall be used for long-term storage of vehicles. The vehicle must be kept in good repair and shall be operational, as outlined in the California Vehicle Code. For the purpose of this policy, long-term storage of vehicles is defined as any vehicle parked or left standing on a public street in the same location and not driven or moved in excess of three (3) calendar days.

b. If the applicant is unable to move his or her vehicle within the three (3) day period, the Applicant shall request an extension of this period from the City Engineer.

5. Misuse & Removal of Disabled Parking Space

A disabled parking space shall not be misused. Any misuse shall result in the removal of the space. Misuse shall be determined by the City Engineer, at his/her discretion, but include the following factors:

- More than three (3) complaints in a one (1) year period
- Repeated misuse even after the receipt of written correspondences from the City
- Failure to provide annual proof of disability
- Failure to provide annual maintenance fee

6. City Removal of Disabled Parking Spaces

The City may remove any on-street disabled parking space at any time to improve traffic operations and safety or to accommodate temporary construction.

7. Appeal Process for Non-Approved Applications or City-Removed Spaces

The applicant may submit a written appeal to the City Engineer for consideration in response to applications not approved or City-initiated removal of an on-street disabled parking space.

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COMMONLY ASKED QUESTIONS:

- Q1. How do I obtain certification of a permanent disability?
Certification of disability is handled by the Department of Motor Vehicles (DMV) during the issuance of a Disability License Plate or Placard. Additional information is available at: www.dmv.ca.gov/forms/reg/reg195.pdf
- Q2. Can I obtain a disabled parking space in front of my home for a temporary disability?
No, disabilities must be permanent disabilities certified through the state with proof of certification via DMV vehicle registration or placard.
- Q3. I live on a private street managed by a Home Owner's Association; can I obtain a disabled parking space on the public street in front of my home?
If the address of the applicant requesting the disabled parking space is on a private street or the primary entrance or garage entry of the unit is located on a private street within a development managed by a Home Owner's Association (HOA), the application should contact their HOA to seek the accommodation of a disabled parking stall within the community of the HOA.
- Q4. Will the City cover the cost of the installation of the disabled parking space?
If the location of the disabled parking space meets the installation criterion, the applicant must agree to pay an annual \$75.00 maintenance charge prior to installation.
- Q5. What is a Garage or Driveway Impact?
The loading and unloading of disabled persons should be accommodated on-site at the resident's home where possible, either in the garage or driveway. The use of special lift equipment that restricts passenger loading from with a garage or the driveway is considered an impact. Impacts from the storage of private property within the garage is not considered an immitigable impact restricting passenger loading into a vehicle.
- Q6. I need a disabled parking space to accommodate temporary private transport service. Can I apply for a disabled parking space?
No, temporary parking for use by private transport services or a public transit service, such as the VTA's Paratransit Service, to load/unload passenger can be accommodate by short-term parking along the frontage of the residences driveway.
- Q7. Where do I submit an application?
City of Milpitas
City Hall - Traffic Engineering Division
455 E Calaveras Blvd
Milpitas, CA 95035
O: (408) 586-3335
F: (408) 586-3305

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City of Milpitas – Traffic Engineering Division – 455 E Calaveras Blvd, Milpitas, CA 95035 – (408) 586-3335

I. REQUESTOR INFORMATION

Name: _____

Date: _____

Address: _____

Day Phone: () _____

Evening Phone: () _____

Email: _____

II. LOCATION OF PROPOSED NEIGHBORHOOD ON-STREET PARKING SPACE

The proposed residential on-street disabled parking space must be in front of the applicant’s residence. The proposed location of the disabled parking space being requested is at:

Street Address: _____

III. Proof of Permanent Disability and Possession of DMV-Issued Disabled Placard

Only requests from Certified Disabled Persons or Disabled Veterans in possession of a valid State-issued Disabled Plate for a vehicle with a matching registration address to the requested address location or Disabled Placard will be considered. Proof can be provided by submitting a copy of a valid DMV vehicle registration or receipt for a recently processed DMV application.

Can a copy of a DMV-Issued Disabled Placard be Provided: Yes _____ No _____

IV. Understanding of Residential On-Street Parking Policy and Use Agreement

I have read and understand the Residential On-Street Disabled Parking Policy, and to the best of my knowledge, my residence meets ALL the installation criteria, requirements and conditions presented. I agree to meet with staff from the City to review the installation request and that if approved understand that I will be required to pay an annual \$75.00 fee for the installation and maintenance of the disabled parking space. I also understand that if approved, this will not be a private space for my residence and that it must be made available to other vehicles that display a disabled placard on a first come first serve basis.

Signature

Date