

Traffic Commission**Policy & Procedures for On-Street Physically Challenged Accessible Parking Spaces
Blue Curb Parking Policy****I. POLICY**

Objective: It is the objective of this policy to accommodate the needs of the community for the installation of on-street *physically challenged accessible parking spaces* (PCAPS) on residential streets/areas when no off-street parking option is available. Industrial and commercial streets/areas shall not be considered for review, unless qualifying for the special exceptions outlined in principles.

A. Principles:

1. The decision to install an on-street physically challenged accessible parking space (PCAPS) will be based on an evaluation of the available options and the specific needs of the applicant.
2. On-street PCAPS are not intended as a means to reserve a private parking space in front of an individual's house.
3. Requests for on-street PCAPS on industrial and commercial streets shall not be considered unless it meets the exceptions outlined below.
4. Requests for on-street PCAPS for apartments (or dwellings) with 5 or more units shall not be considered.
5. The standard on-street parking space shall be 18 feet. If after painting the curb the remaining space between driveways cannot accommodate another parked vehicle, the remaining space shall be painted red to prevent drivers from parking illegally or blocking a driveway.
6. An on-street PCAPS must comply with Americans with Disabilities Act (ADA) requirements.
7. The City of Commerce prefers that parking for the physically challenged be located off-street whenever feasible and appropriate.
8. On-street PCAPS will be considered when parking demands in the neighborhood do not allow the applicant to have general use of on-street parking convenient to their residence.
9. All existing on-street PCAPS will be documented and evaluated by staff for utilization. If the spaces are determined to be no longer required they will be removed.

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10. The issuance of any valid Disabled Person placard (physical, mental, or both) is charged to the medical authority and the California Department of Motor Vehicles (DMV). The City of Commerce will not further investigate the validity of any such placard, other than getting confirmation from the DMV.
11. An on-street PCAPS is available for use by anyone possessing a valid Disabled Person's placard (*either blue or red*) and/or Disabled Person's license plate issued by the DMV, and is not a reserved parking space for the applicant. A blue placard designates a "permanent" disability, whereas a red placard designates a "temporary" disability.
12. For those possessing *out-of-state* Disabled Person's placards, California *may* require that disabled visitors apply to the DMV for "travel" placards that are effective for 90-days.
13. On-street PCAPS shall provide the shortest, and most reasonable, accessible path of travel to the residence.
14. The number of PCAPS allowed per block may be limited by the number of existing physically challenged accessible parking spaces in proximity to the proposed physically challenged accessible parking space location. Utilization of any existing space will be taken into consideration along with the specific needs of the applicant.
15. Applications for on-street PCAPS may not be processed for temporary or short-term use by the applicant.
16. An applicant who has been granted an on-street PCAPS must still adhere to all parking laws and regulations, as statutorily regulated in the California Vehicle Code and also in the City of Commerce Municipal Code.
17. 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:
 - a. Statutory Restriction: Existing parking or regulatory restrictions that prohibit parking in front of the applicant's residence cannot be removed to accommodate a disabled parking space.

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- b. Parking Demand: The existing on-street parking demand during evenings and weekends should not exceed 70% of the available on-street parking within 500 feet of the requested disabled parking space location. There should also be no other existing disabled parking space within 150 feet in any direction of the proposed location.
- c. 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.
- d. 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 curves in the roadway or pavement failures.

The resident's property must lack a driveway to their residence and not have a garage in order to allow the installation of handicap parking along the property's frontage along the public street.

The property of the owner/resident requesting the handicapped parking must not have a garage of sufficient length x width x height (20 feet x 12 feet x 8 feet) or a driveway of sufficient length x width (20 feet x 12 feet) to accommodate a handicapped vehicle. Having a cluttered garage or other vehicles in the garage would not be a viable reason for not satisfying this requirement. If the property has the sufficient dimension requirements for a garage, but does not meet the sufficient dimension requirements for a driveway, but feasibly does not have ADA access into the garage entrance into the residence, the property may be eligible for on-street handicapped parking

B. Exceptions:

Existing non-residential streets and sidewalks and qualified people-with-disabilities and representatives of places of public accommodations (businesses, medical facilities, places of worship, etc.) may request installation of on-street physically challenged accessible parking spaces (PCAPS) on non-residential streets. PCAPS will be established where a demonstrated need for such space is shown. The following criteria will be considered in determining whether a demonstrated need is shown:

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1. Off-street parking is unavailable or where available is not accessible to persons with disabilities, as required by state and/or federal laws.
2. Parking in the proposed location and on surrounding City streets is frequently not available requiring persons with disabilities to park an unreasonable distance (approximately 350 feet) from the business or requiring usage of routes that are not accessible to persons with disabilities as required by State and/or Federal laws.
3. The surface of proposed on-street accessible parking locations including access aisles should not exceed a 5% slope (1:20) in any direction, and no other hazardous surface condition should exist in the immediate area.
4. Establishment of new PCAPS should not result in the net loss of existing metered parking spaces (if any).
5. There is no existing PCAPS in the same block within 150 feet of the applicant's address in any direction.

II. PROCEDURES

A. Screening:

To process an application for on-street physically challenged accessible parking, the following questions must all be addressed:

1. ***Can the applicant's driveway be used for access by the physically challenged person's vehicle?*** If the applicant's existing driveway is fourteen feet (14 feet) in width or wider, the application shall not be approved.
2. ***If the applicant's driveway is less than ten (10 feet), can the applicant's driveway be widened to accommodate the need for an additional parking space?*** If the applicant's driveway can be made accessible to accommodate an additional off-site parking space, the application may not be approved.
3. ***Is the driveway of adequate length to accommodate a parked vehicle?*** Minimum 20 feet from face of structure to back of walk.

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4. Staff shall review requests for handicapped parking permits within a city block based on existing parking conditions, number of currently active handicapped parking permits, proximity of handicapped parking spaces and other field conditions, which are relevant to handicapped parking, and make a recommendation to the Traffic Commission accordingly.
5. ***Is the request for the space of a long-term nature and not for temporary use?*** On-street spaces for a short term or temporary use shall not be approved.
6. ***Will the on-street space be located in a flat area accessible by wheelchair?*** If there is none, then accommodation needs to be made, or the application will need to be re-evaluated by the City.
7. ***Is the on-street space located in proximity to a curb ramp or driveway approach for access to the sidewalk or walkway?*** If not, the requested space location may need to be revised.
8. ***Is there a park strip or landscape area between the curb and sidewalk?*** For van accessible loading and unloading, a concrete landing area may need to be constructed adjacent to the proposed space between curb and sidewalk.
9. ***Is there an existing on-street physically challenged accessible space in proximity that can be utilized by the applicant?*** An on-street space may not be approved if there is an existing space in proximity to the requested space. Utilization of any existing space will be taken into consideration along with the specific needs of the applicant.
10. ***Is the slope of the applicant's driveway in excess of 8.33%?*** If so, and an on-street space is feasible, the application may be approved
11. ***Is on-street parking in the neighborhood heavily utilized in the vicinity of the proposed space?*** If the on-street parking is heavily utilized, the application may be approved. (Utilization in excess of 70% is considered heavy.)

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12. An on-street disabled parking space shall be located in front of the residence of the person making the request. If the parking space cannot be located in front of the applicant's residence but must be located in front of another residence on the applicant's street, the applicant must obtain written permission on a City form from the owner of the property in which the proposed space will be in front of. In the absence of such permission, the application shall be denied
13. The Applicant shall not use the space for long-term storage of vehicles. For purposes of this policy, long-term storage of vehicles is defined as any vehicle parked or left standing in excess of 72 hours, as regulated by City ordinance.
14. In approving a disabled parking space, the City is not making any representations regarding the safety or suitability of the parking space for disabled parking. The Applicant shall use the disabled parking space at his or her own risk. The City shall not be responsible for any damages or injuries to the Applicant or any other person resulting from the use of the parking space for disabled parking. The Applicant shall be provided notice of this paragraph at the time the Public Works & Development Services Director approves an application pursuant to this policy.
15. If the resident is not the property owner, the resident may apply for a blue curb disabled parking space. However, the resident must notify both the City and the property owner in writing on a City form that an application for said blue curb disabled parking space has been submitted to the City.
16. The surface of accessible parking spaces on streets and access aisles from street parking does not exceed a 5% slope (1:20) in any direction and no other hazardous surface condition exists in the immediate area, such as a speed bump.
17. The Applicant's residence is adjacent to a compliant corner curb ramp or the applicant's driveway substantially complies with curb ramp requirements contained in the ADA Accessibility Guidelines Section 4.7: Curb Ramps.

B. Submittal Requirements:

For staff analysis of the request, the following information is required to be submitted:

1. A completed PCAPS request application, including all applicable City forms.
2. Proof of a physically challenged parking placard from the applicant, (including number and color) or disabled person's license plate number.

The applicant has a disability as defined by the Americans with Disabilities Act of 1990 that prevents him or her from walking long distances and be in possession of a Disabled Person License Plate with adequate identification (ID) or a permanent Disabled Person Placard ID Card, as required by the California Vehicle Code Section 5007, 22511.55 or 22511.59.

3. Proof of residency – both current Commerce Resident Activity Card and California Driver's License (or California Identification Card):

The applicant is a full-time resident of the address in question. The applicant shall provide two (2) forms of proof of residency including: (i) a rental agreement or homeowner's insurance policy statement and (ii) one other form of proof, either utility statement or California driver's license.

The applicant *may* be the property owner. If the applicant is *not* the owner, the applicant shall notify the property owner, in writing on a City form, to install the PCAPS.

The applicant provides a California Department of Motor Vehicles (DMV) vehicle registration in his/her own name or vehicle registration of his/her primary live-in caregiver who resides full time at the address in question. Vehicle registration street address must match the proposed PCAPS street address.

Off-street parking (e.g., driveway, garage, parking lot, etc.) is unavailable or where available, such parking is not accessible to persons with disabilities. An off-street parking space is defined as neither available nor accessible under the following conditions:

a. Garage

- i. If the applicant owns a lift-equipped van, the applicant either has no garage or the garage interior width is less than 17 feet.
- ii. If the applicant owns a passenger vehicle, the applicant either has no garage or the garage interior width is less than 14 feet.

b. Driveway

- i. If the applicant owns a lift-equipped van, the applicant either has no driveway or the driveway width is less than 17 feet, and/or the slope of the driveway is greater than five percent (5%) or 1:20.
 - ii. If the applicant owns a passenger vehicle, the applicant either has no driveway or the driveway width is less than 14 feet.
4. Along with a completed application, the applicant must submit a petition on a City form, with at least five (5) signatures of nearby residents/neighbors. All neighbors filling out the petition must live in the same block as the applicant. *The five signature requirement will be re-assessed by the City if the applicant is in an area where there are less than five residents.*
 5. The City *may* impose a fee for staff processing of an on-street physically challenged accessible parking space request.
 6. Written justification from the applicant for requesting the installation of an on-street physically challenged accessible parking space in-lieu of using the driveway:

An explanation as to why the off-street parking, if any, at the applicant's residence is inadequate to satisfy the applicant's accessibility requirements. This may be demonstrated through such factors as garage or driveway width, slope, the presence of physical barriers, etc. Using off-street parking for another use is not a valid reason. For example, it would not be valid to request a disabled parking space because the applicant's driveway is used for another car. If modifications to this off-street parking would allow the parking area to meet accessibility requirements, the

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applicant must demonstrate why it is not feasible for the applicant to make these modifications.

7. If approved, the City *may* impose a fee for the installation of an approved on-street physically challenged accessible parking space.

C. City Review of PCAPS Request Application:

1. Review submitted material from the applicant.
2. Based on this policy, determine if there is adequate justification to allow an on-street space to be installed instead of the applicant using the driveway.
3. If not justified, applicant will explore other options, such as the widening of the driveway at the applicant's or property owner's expense.
4. Review the existing accessibility of the applicant's driveway. If the driveway is currently 14 feet or wider, the application shall be denied.
5. The City or its designated representative or consultant shall conduct the site investigation. The site is surveyed for parking utilization and existing on-street PCAPS in the area.
6. Evaluate existing parking conditions (shortage of parking, etc.) on the street block.
7. A curb ramp or driveway must be located in proximity to the on-street PCAPS to comply with ADA requirements. If not, one must be constructed where an on-street accessible space is installed at the applicant's or property owner's expense.
8. Review any written support documents submitted by the applicant from neighbors in the area. If necessary, confer with the adjacent neighbor, property owner and Community Safety Specialist regarding the possible installation.
9. The Public Works and Development Services Dept. will complete the necessary administrative and field work, and respond to the applicant in a timely manner from the date of a complete application submittal.

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10. If approved, a service request for installation is issued. High priority should be identified on the work order so that the space can be installed in a timely manner.
11. The actual limits of the on-street physically challenged accessible space and sign location are marked in the field by traffic engineering staff for proper installation by the Public Works and Development Services Dept. or contractor for such services.

D. Appeals:

1. If the request is denied by the Traffic Commission, the request may be appealed by the applicant to the City Council. The applicant shall submit their request for appeal in writing to the City Clerk's Office within 14 calendar days from date of action.

E. Annual Re-Application:

1. For an on-street PCAPS to remain, the applicant will be required to fill out and submit an annual re-application form to the Public Works and Development Services Dept. This re-application form will be mailed to all applicants with a previously approved space, and property owners who have an on-street PCAPS in front of their property.
2. If no re-application form is received within 15 working days, staff will attempt a second means of contact. This may include a second letter, a phone call, an e-mail or a personal visit by staff to the residence. Should no response be forthcoming from the applicant within a reasonable amount of response time, a service request may be processed for the space markings and sign to be removed.
3. The annual re-application period shall be from July to August every year.

F. Application for Removal:

1. An on-street PCAPS can be removed following the submittal of a written application for removal.
2. If a party other than the person who requested the space installation submits the application for removal, the original applicant is contacted to determine if the space is still being used.

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3. The Public Works and Development Services Dept. may obtain input from other departments, as necessary, regarding observations of on-street PCAPS utilization.
4. If the on-street PCAPS is no longer necessary, or the person to whom the permit was issued is deceased, the applicant or a family member shall contact the Public Works and Development Services Dept. for removal of on-street PCAPS within 30 days.
5. If the Public Works and Development Services Dept. is contacted about a space that is no longer needed or utilized, it shall follow up by contacting the original requestor (or their family member) as to the need for the parking space and take the appropriate action.

G. Procedure Review:

1. The on-street PCAPS procedures will be reviewed by the Public Works and Development Services Dept. periodically to determine their applicability and approach to customer service. Any significant changes to the procedures will be submitted to the Traffic Commission for review.

H. Conditions:

If the Applicant meets all the above criteria, the following requirements must be met and conditions agreed to before implementation:

1. The Applicant is under duty to inform the City if the PCAPS is no longer required and the City has the option of removing such PCAPS.
2. The Applicant must observe and obey all parking regulations.
3. 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, in its discretion. In ascertaining whether a disabled space has been misused, the City shall consider the following factors:
 - a. The extent of the applicant's disability;
 - b. The length of time in which the applicant has left the vehicle in the space without operating it;

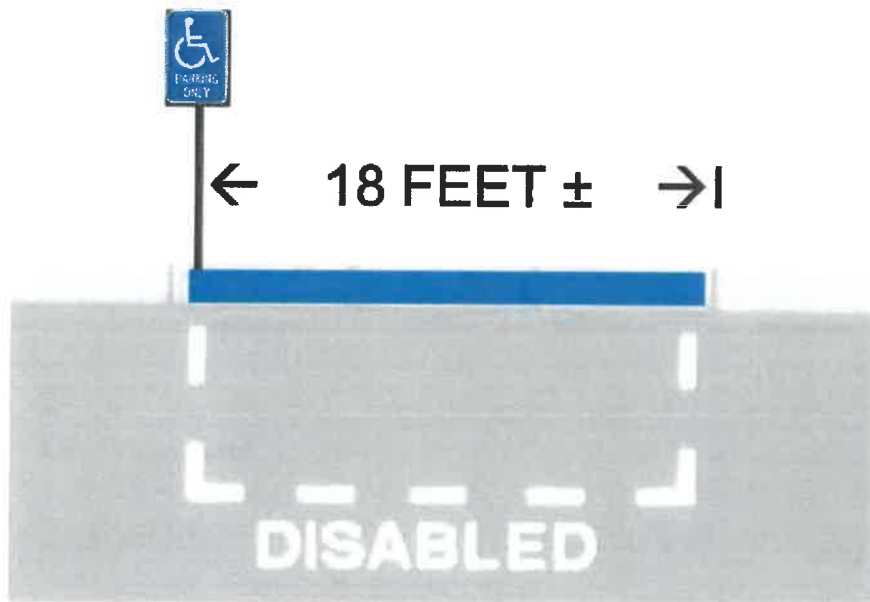
- c. Misuse of the applicant's disabled placard or license plates;
- d. Any other factors the City deems reasonable and relevant to the issue.
- e. The disabled parking space is not a private space and may be used by other vehicles licensed to park in a disabled parking zone on a first-come first-serve basis.
- f. The space shall not to 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 14 consecutive calendar days.

The above conditions are "non-negotiable" and are deemed final.

Revised: 10/2017

DIAGRAM

ON-STREET PHYSICALLY CHALLENGED ACCESSIBLE SPACES (PCAPS)



NOTE: Actual installation of the on-street PCAPS may differ or vary from the diagram shown above due to street geometric or other restrictions.