

CITY OF OAKLAND CITY ADMINISTRATOR'S OFFICE

CITY of OAKLAND

Subject: **On-Street Disabled Parking Zone Policy**
Effective Date: July 1, 2009
Supersedes: Residential Blue Zone Policy (August 1, 1998)
Non-Residential Blue Zone Policy (January 1, 2000)
Responsible Departments: Transportation Services Division
ADA Programs Division

I. Purpose

This policy sets out City of Oakland (City) policies, practices and procedures for installing new disabled parking zones (DPZ) and provides a schedule for remediation of existing non-compliant DPZ in the public right of way. The policy is a necessary part of the ADA Sidewalk Transition Plan that public entities must develop pursuant to *Barden v. Sacramento*.

II. Responsible Parties

The Transportation Services Manager, in the Community and Economic Development Agency / Design, Engineering and Construction Services is responsible to administer this program.

The City ADA Coordinator in the City Administrator's Office / ADA Programs Division is responsible to develop this policy and to review grievances by DPZ Applicants about decisions made by the Transportation Services Manager under this policy.

Please direct all questions regarding this policy and its administration to:

Community and Economic Development Agency
Design, Engineering and Construction Services
Transportation Services Division
250 Frank H. Ogawa Plaza, 4th Floor
Oakland, CA 94612
(510) 238-3466 (Voice)
(510) 238-2007 (TTY)

III. Background

The California Vehicle Code does not obligate the City to provide on street disabled parking zones (DPZ). The ADA does not mandate providing on-street parking for persons with disabilities. The ADA does, however, prohibit discrimination on the basis of disability by public entities in its services, programs and activities. The general prohibitions against discrimination set forth in 28 CFR, Part 35.130(a) states: "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the

benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.” Further, 28CFR Part 35.130(b)(1)(iii) states: “A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability, provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.” Since the City makes on-street parking available to the general public, it should make the same or equivalent service available to people with disabilities.¹

IV. Policy

It is the policy of the City of Oakland to establish on-street disabled parking zones in the public right of way (only those within the City’s control) where required by the Americans with Disabilities Act of 1990 (ADA). The City operates additional discretionary programs under which on-street disabled parking zones may be installed upon request by qualified individuals with disabilities and by public accommodations, as defined by the ADA. The City has the authority to regulate on-street residential parking pursuant to California Vehicle Code Chapter 9 of Division 11 and Oakland Municipal Code Chapter 10.28 covering Stopping, Standing and Parking.

The City’s Transportation Services Manager (TSM) will make the final decision on location of DPZ and will balance accessibility requirements with other site specific factors. In certain cases, the TSM may implement alternative measures to ensure equal access for persons with disabilities to on-street parking, such as providing off-street parking in City garages and lots where available.

1. On-Street Disabled Parking Zones in Non-Residential Areas

A. New or improved streets and sidewalks. The City shall install on-street disabled parking zones (DPZ) when constructing new streets and sidewalks and when undertaking major street and sidewalk improvement projects. The City generally requires the installation of one DPZ per 250 feet of developed block face in civic and commercial areas where parking is controlled by meters, time limits, or similar regulation. The responsibility to install on-street DPZ during right of way improvement projects shall also extend to private developers and utility companies working under permit with the City when performing major street and sidewalk construction or reconstruction.

Exception: Alteration projects in existing metered zones shall conform to this section except where the establishment of new DPZ would result in the net loss of existing metered parking spaces.

B. Existing non-residential streets and sidewalks. Qualified people with disabilities and representatives of places of public accommodations (businesses, medical facilities, places of worship, etc.) may request installation of on-street disabled parking zones (DPZ) on non-

¹ U S Department of Transportation, Federal Highway Administration, Office of Civil Rights letter to Californian’s for Disability Rights, September 29, 2005.

residential streets. DPZ 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:

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 DPZ should not result in the net loss of existing metered parking spaces.
5. There is no existing DPZ in the same block within 150 feet of the applicant's address in any direction.

2. On-Street Disabled Parking Zones Serving City Buildings and Facilities

A. New Construction or Alterations. Whenever practicable, at least one on-street disabled parking zone (DPZ) shall be installed during new construction or alteration of City of Oakland buildings and facilities (except employee-only work areas) unless off-street disabled parking is provided and is accessible to persons with disabilities, as required by State and/or Federal access regulations.

B. Existing Condition. The City ADA Coordinator may request installation of an on-street DPZ at existing City buildings and facilities as required to fulfill state or federal mandates, including implementation of the City's ADA transition plan(s), or to resolve access compliance complaints.

3. On-Street Disabled Parking Zones in Residential Areas

Qualified people with disabilities may request installation of on-street residential disabled parking zones (RDPZ). The RDPZ Applicant must meet all the following requirements:

1. Have 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 or a permanent Disabled Person Placard ID Card, with adequate ID, as required by the California Vehicle Code Section 5007, 22511.55 or 22511.59.
2. Be a full-time resident of the address in question. The Applicant shall provide two forms of proof of residency including 1) a rental agreement or homeowner's insurance agreement and 2) one other form of proof, i.e. utility bill or driver's license.

3. Be the property owner or have the written permission of the property owner to install the RDPZ.
4. Provide a vehicle registration in his/her own name or provide vehicle registration of his/her primary live-in caretaker who resides full-time at the Applicant's address. Vehicle registration address must match the proposed RDPZ address.
5. Off-street parking (driveway, garage and/or parking lot) is unavailable or where available, such parking is not accessible to persons with disabilities, as further described below:
 - A. Garage Specifications:
 - a. If the Applicant owns a lift-equipped van, the Applicant either has no garage or the garage width is less than 17 feet (interior width).
 - b. If the Applicant owns a passenger vehicle, the Applicant either has no garage or the garage width is less than 14 feet (interior width).
 - B. Driveway Specifications:
 - a. 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 5% (1:20).
 - b. If the Applicant owns a passenger vehicle, either the Applicant has no driveway or the driveway width less than 14 feet, and/or the slope of the driveway is greater than 5% (1:20).
6. There is no existing RDPZ in the same block within 150 feet of the applicant's address, in any direction.
7. 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.
8. 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.

Exception: If a compliant corner curb ramp does not exist or if the Applicant's driveway does not substantially comply with ADAAG 4.7, a RDPZ may still be installed if the Applicant meets all other eligibility requirements and signs a statement of understanding that the RDPZ does not fully comply with ADA regulations. The City will not install corner curb ramps, and will not permit or install mid-block curb ramps, for the purposes of installing RDPZ.

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 RDPZ is no longer required and the City has the option of removing such RDPZ.
2. The Applicant must observe and obey all parking regulations covered in the Oakland Municipal Code Chapter 10.28. A copy of the O.M.C. is available for review at the

Office of the City Clerk, One Frank H. Ogawa Plaza, Oakland, California, 94612 or online at www.oaklandnet.com/cityclerk

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 Transportation Services Manager, in his or her discretion. In ascertaining whether a disabled space has been misused, the Manager 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 violation by the Applicant of O.M.C. Chapter 10.28, applicable sections of the California Vehicle Code (CVC) or this policy;
 - e. any other factors the Transportation Services Manager deems reasonable and relevant to the issue.
4. 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-served basis.
5. The authority to enforce parking laws are the responsibility of the Oakland Police Department and the Parking Enforcement Division; complaints received regarding illegally parked vehicles are always taken in the order in which they are called in and prioritized based on the level of service required.
6. 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 fourteen consecutive calendar days.

If the Applicant disagrees with any decision made by the Transportation Services Manager, then the Applicant shall have the right to appeal to the Office of the City Administrator / ADA Programs Division per the City's DPZ Grievance Procedure.

4. General Standards for On-Street Disabled Parking Zones

The follow standards apply to all on-street disabled parking zones (DPZ) constructed or reconstructed by the City or others. Also see current City of Oakland Standard Details for Public Works Construction.

Perpendicular and diagonal (angled) on-street parking DPZ shall be designed and constructed according to accessible parking provisions found in the ADA Accessibility Guidelines (ADAAG) Section 4.6: Parking and Passenger Loading Zones. For diagonal parking, one in every eight (but at least one) DPZ must be van accessible, with an access aisle that is eight feet wide. Where one-way traffic prevails, it may be necessary to increase the number of access aisles provided or permit backing into the space to locate the access aisle on the side of the vehicle where it is needed. An accessible route shall be provided from each access aisle to the sidewalk, usually necessitating the installation of curb ramps.

ADAAG does not contain technical specifications for accessible parallel parking, but the City requires a parking lane that is at least 7 feet wide x 20 feet long. An unobstructed access aisle of at least 36 inches in width parallel to the vehicle space must be available. A curb ramp at the foot of the space must provide access to the sidewalk in all cases except residential DPZ (see Section 3.10 of this policy). If the parallel DPZ is adjacent to a street crossing, then a corner curb ramp may serve it adequately. Some pedestrians with disabilities will, however, need accessible parking spaces close to a specific building or facility. The City will consider providing parallel DPZ, and curb ramps, at mid-block or in other locations to provide a short or direct route to certain public accommodations. Mid-block curb ramps shall not be installed for RDPZ.

All on-street DPZ shall have standard accessible parking signs per ADAAG Section 4.6.

5. Remediation of On-Street Disabled Parking Zones Installed Prior to June 30, 2009.

On-street disabled parking zones that are located in non-residential areas and that do not comply with this policy will be improved or relocated where technically feasible and will be removed in all other cases. The property owner will be given 90 days prior notice before relocation or removal of an existing non-residential disabled parking zone. The Transportation Services Division shall complete remediation (upgrade, relocation or removal) of all non-complying disabled parking zones located in non-residential areas by June 30, 2011.

On-street disabled parking zones that are located in residential areas and that do not comply with this policy will be removed. The property owner will be given 90 days prior notice before removal of an existing residential disabled parking zone. The Transportation Services Division shall complete remediation of all non-complying disabled parking zones located in residential areas by June 30, 2012.

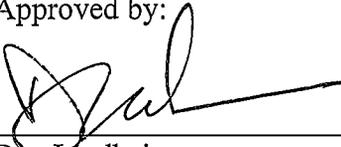
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 6/30/07

Dan Lindheim Date
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