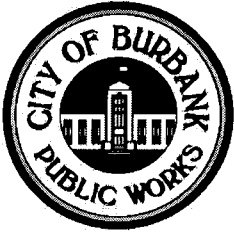




Weekly Management Report

December 27, 2019

- 1. Memo** Residential Blue Curb Procedure
Public Works Department
- 2. Synopsis** Sustainable Burbank Commission Meeting on
December 16, 2019
Public Works Department



**CITY OF BURBANK
PUBLIC WORKS DEPARTMENT
MEMORANDUM**

DATE: December 19, 2019

TO: Justin Hess, City Manager

FROM: Judie Wilke, Interim Public Works Director *Judie Wilke*
Betsy McClinton, Management Services Director *B. McClinton*
By: Jonathan Yee, Assistant Public Works Director Traffic *Jonathan Yee 12/19/19*
Katherine Lopez, Administrative Analyst II

SUBJECT: City Manager Tracking List No. 2261 – Residential Blue Curb Procedure

This memo provides the City Council with information requested on October 29, 2019 regarding the City's procedures for blue curbs in residential areas.

Background

At the October 29th Council meeting, a resident appeared before Council to request information on the City's procedures for blue curbs in residential areas. The same resident appeared before Council earlier in the year regarding the same issue and Management Services submitted a memorandum (Tracking List No. 2230) explaining the process.

Discussion

The California Vehicle Code specifies blue curb markings are used to indicate parking areas that are exclusively for disabled persons and disabled veterans. The City classifies requests for blue curbs as requests for a reasonable accommodation.

As required by the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA), the City engages in an interactive process to determine whether reasonable accommodation requests can be granted. As required by the ADA, the City has a designated ADA Coordinator in the Management Services Department that is responsible for coordinating the required interactive process.

As part of this process, Burbank residents can request to have the City install a blue curb in a residential area. Although the Public Works Traffic Division is responsible for installing blue curb markings, all blue curb requests are referred to the ADA Coordinator in order to engage in the interactive process.

Under FEHA/ADA, the interactive process involves an ongoing dialogue between the City and the requesting party. As such, both the City and the requesting party are required to participate in the interactive process in good faith. As part of this process, individuals need to provide medical information to the ADA Coordinator to establish the existence of a disability as defined by FEHA/ADA; identify the limitations placed on the requesting party by their disability; confirm that the requested accommodation will actually enable the individual to engage in the activities limited by their disability; and enable the City to determine the reasonableness of an individual's requested accommodation. The City does not need to know the underlying medical condition or diagnosis, and at no time does the City ask for that information.

Based on the medical information provided, and as part of the assessment of the reasonableness of the request, the ADA Coordinator will evaluate the accessibility of the property to determine if the blue curb will enable the individual to engage in the activities that are limited by the disability. In addition, Management Services will coordinate with Public Works to determine if the blue curb installation is feasible. If the City determines that the blue curb request is a reasonable accommodation, Public Works Traffic will install a blue curb marking and sign.

Management Services previously contacted 24 agencies to inquire about their procedures for blue curb installation. Staff received responses from 17 agencies and 13 follow a similar multi-departmental, interactive process to determine if a blue curb is a reasonable accommodation.

To date, the City has received 10 blue curb requests. Four blue curb requests have been approved, four requests have been withdrawn, and two requests could not be granted because the residents did not participate in the interactive process as required by FEHA/ADA.

Conclusion

The City currently uses a multi-departmental procedure to handle resident requests for blue curbs. This procedure meets FEHA/ADA requirements and evaluates the requestor's medical information and accessibility of the property to determine if a blue curb is a reasonable accommodation. To date, the City has installed blue curbs for all requestors who have participated in the interactive process.

ATTACHMENTS:

Management Services Memorandum for Tracking List Item 2230
Management Services Survey of other Cities



CITY OF BURBANK
MANAGEMENT SERVICES DEPARTMENT
MEMORANDUM

DATE: August 16, 2019

TO: Justin Hess, Acting City Manager

FROM: Betsy McClinton, Management Services Director *Betsy McClinton*

**SUBJECT: REASONABLE ACCOMMODATION REQUESTS FOR BLUE CURBS
CITY MANAGER TRACKING LIST ITEM 2230**

The purpose of this memorandum is to provide information regarding the City's process for considering requests for blue curbs in residential areas. Blue curbs limit parking to only those cars with an accessible placard. As required by the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA), the City engages in the interactive process to determine whether the installation of a blue curb is a reasonable accommodation for an established disability under those laws.

BACKGROUND

The ADA requires public agencies with more than 50 employees to have a designated ADA Coordinator. The City's designated ADA Coordinator is housed in the Management Services Department and is responsible for coordinating the required interactive process for accommodation requests for residents, City employees, and job applicants. This process applies to Burbank residents who wish to request a blue curb in a residential area as a reasonable accommodation for their disability. Under FEHA/ADA, the interactive process involves an ongoing dialogue between the City and the requesting party. As such, both the City *and the requesting party* are required to participate in the interactive process in good faith.

As part of this process, individuals need to provide information to the ADA Coordinator from their medical provider. Under federal guidelines, this medical documentation is sufficient if it describes the nature, severity, and duration of the impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits their ability to perform those activities. The purpose of the medical information is to 1) establish the existence of a disability as defined by FEHA/ADA; 2) identify the limitations placed on the requesting party by their disability; 3) confirm that the requested accommodation will actually enable the individual to engage in the activities limited by their disability; and 4) enable the City to determine the reasonableness of an individual's requested accommodation. The City does not need to know the underlying medical condition or diagnosis, and at no time does the City ask for that information.

It is important to note that the standards for medical documentation are set by FEHA/ADA and must be used for the interactive process. Other governmental agencies have different standards; for example, the California Department of Motor Vehicles (DMV) has its own standards for issuing accessible placards. The standards used by the DMV or other agencies are not applicable for the interactive process proscribed by FEHA/ADA.

BLUE CURB REQUESTS

Through the FEHA/ADA interactive process, Burbank residents can request to have a blue curb installed in a residential area. To date, the City has received accommodation requests for blue curb installation from six residents. The City has granted three blue curbs as a reasonable accommodation: two residents have a blue curb installed in front of their residence, and the third resident moved out of their place of residence, thus nullifying the blue curb installation. One resident withdrew their request for a blue curb. The remaining two residents *did not participate in the interactive process as required by FEHA/ADA*, and the City was therefore unable to make a determination as to the reasonableness of their request.

CONCLUSION

The City's process, as mandated by ADA, provides an avenue by which residents with disabilities can request a blue curb in a residential area, and several requests have been reasonably granted through the interactive process. Residents who wish to engage the City the interactive process can contact the ADA Coordinator at 818-238-5051.

BLUE CURB SURVEY

CITY	POLICY? WRITTEN	PROCEDURE	COST TO APPLICANT
Anaheim	NO	<ul style="list-style-type: none"> • Requests reviewed on a case-by-case basis. • As part of the ADA process, the City verifies that applicant has a handicap placard. 	
Baldwin Park	NO	<ul style="list-style-type: none"> • Requests reviewed on a case-by-case basis. • Pending response from City regarding applicants meeting ADA requirements. 	
Bell Gardens		No response from City.	
Beverly Hills	NO	<ul style="list-style-type: none"> • Requests reviewed on a case-by-case basis. • ADA requirements will be taken into consideration when reviewing the application. The City may ask applicant for disability verification documentation (physician certification, placard, etc.). 	
Carson	YES	<ul style="list-style-type: none"> • Vehicle must be available to applicant, or to expected users of space. User must have appropriate license plate or placard issued by DMV. • Applicants must apply, in writing, to Public Works Department. The information needed are: name, address, location of zone, and license or placard number of vehicle. 	No cost
Costa Mesa		No response from City.	
Culver City	YES	<ul style="list-style-type: none"> • Residents contact the Public Works Department with their request for a blue curb. Public Works will forward them an application to fill out. Once Public Works receives the completed application and all requirements are met, a field meeting is conducted at the resident's home. At that time, management surveys the property layout and asks pertinent questions. • Required documentations: proof of residency, physician certification, proof of ownership of a vehicle, proof of possession of placard, narrative/photos/graphics articulating why on side parking is not better option for applicant and how blue zone is viable solution. • Applicant is responsible for the cost of modification to the public right of way. Ex. Paving landing, removal of tree roots, utility meters, and sidewalk levels. • Permit needs to be renewed on an annual basis by the applicant. It is free of charge. Applicant must submit: physician certification, current vehicle registration with DMV, DMV issued handicap placard, and other documents as required by the Public Works Director. Permits issued to install or retain blue zone expire on December 31st annually. If the deadline is missed, the curb will be removed. • Blue curb will get removed when: <ol style="list-style-type: none"> 1. There are more than 3 complaints in one calendar year. 2. There is misuse after a written notification from the Public Works Director. 3. Failure to comply with annual reporting. 	No cost
Garden Grove	YES	<ul style="list-style-type: none"> • Applicants must be in possession of valid license plates for disabled person or disabled veterans issued by CA. 	\$75

		<ul style="list-style-type: none"> • Need a signed statement from a medical doctor that disabled person is unable to travel more than 50 feet between his/her home and automobile without assistance of a second person. • City staff, on an annual basis, will contact the applicant by letter and determine if the space is still needed. 	
Glendale	NO	No policy.	
Huntington Beach	NO	<ul style="list-style-type: none"> • Requests reviewed on a case-by-case basis. • As part of the ADA process, applicant must submit proof of placard, for consideration. 	
Inglewood	NO	No policy.	
Lancaster		No response from City.	
Long Beach	YES	<ul style="list-style-type: none"> • Certify that no existing on street parking or off street parking space meets applicant's parking needs. • Certify why available parking near is not adequate. • Required documentations: Copy of the disabled placard identification card/receipt or DMV issued vehicle registration with a number in the appropriate DP or DV series, and physician certification. 	No cost
LA City		No response from City.	
LA County		No response from City.	
Monrovia		No response from City.	
Newport Beach	NO	<ul style="list-style-type: none"> • Requests reviewed on a case-by-case basis. • Pending response from City regarding applicants meeting ADA requirements. 	
Orange County		No response from City.	
Pasadena	YES	<ul style="list-style-type: none"> • Qualification conditions for residential districts: Applicant is full-time resident at address for which curb is being requested, proof of residency is required. Applicant has a valid permanent disabled parking plate or placard – no temporary unless extenuating circumstances are demonstrated. 	No cost
Riverside	NO	No policy.	
San Bernardino		No response from City.	
Santa Ana		No response from City.	
Santa Clarita	NO	No policy.	
Santa Fe Springs	YES	<ul style="list-style-type: none"> • Applicant will submit an application, with all required documents. City Traffic Engineer, Police Services, and Planning Department conduct an investigation and determine if residence qualifies for a disabled parking space. Request must also be approved by the Traffic Commission. • Required documentations: Completed application and checklist including a signed statement from a medical doctor stating that the disabled person is unable (even with the aid of crutches, braces, walker, or other support) to travel more than 50 feet between his/her home and automobile without the assistance of a second person. Proof that the applicant is in possession of valid license 	No cost

		<p>plates/placard for “disabled persons” or “disabled veterans” issued by the DMV. Permanent only –no temps. Proof of residency.</p> <ul style="list-style-type: none"> • Applicant must renew their application every 2 years, to maintain the parking space. Prior to the expiration date, the applicant must provide: written verification of renewal of their disabled placard or license plate, and proof of residency. • Parking spaces can be removed for the following reasons: <ol style="list-style-type: none"> 1. Applicant has moved 2. Applicant failed to submit renewal documentation 3. The applicant is misusing the parking space 4. The City has determined that the parking space is being misused 5. The applicant does not qualify for the parking space anymore 	
Santa Monica	NO	<ul style="list-style-type: none"> • Requests reviewed on a case-by-case basis. • Pending response from City regarding applicants meeting ADA requirements. 	
Simi Valley	NO	No policy.	
Torrance	YES	<ul style="list-style-type: none"> • Required documentation: 2 proofs of residence (utility bill, property tax bill, driver’s license, or other), proof of disability and vehicle registration (Options: 1. DMV-issued Disabled Person Parking Placard with corresponding I.D card and with current vehicle registration form. Option 2: DMV-issued Disabled Veteran License Plate with current vehicle registration form. Option 3: DMV-issues Disabled License Plate with current vehicle registration form.). • Every year, the City performs an annual evaluation of the applicant’s disability and eligibility. The parking space can only get extended one year at a time. If the deadline to renew passes, the curb will get removed. If the applicant still wants a curb, after it was removed, they will have to cover the full cost. 	No cost

SUSTAINABLE BURBANK COMMISSION
December 16, 2019

SYNOPSSES OF ITEMS ARE IN BOXES BELOW

I. GREEN SPOTLIGHT AWARD:

The Green Spotlight Award was presented to Burbank Bike Angels for their commitment to restoring bicycles, preventing old or damaged bicycles from going to the landfill, and providing them to those in need.

II. ORAL COMMUNICATIONS:

A. Public Communication:

Burbank resident and former Commissioner, David Roesner, provided a hand-out and presented two sustainable ideas to the Commission.

Later in the meeting, with the Chair's approval, Burbank resident, Armond Matevosian, spoke in favor of a leaf blower ban.

B. Commission Member Communication:

Ms. Tenenbaum discussed her experience presenting sustainability-related topics at the World City Expo in Barcelona, Spain.

Ms. Kirschenbaum cited the meetings and functions she attended since the last Sustainable Burbank Commission meeting.

Mr. Weber discussed meeting with Mike Slavich, Director Sustainability at Warner Bros.

Ms. Robb stated that she would like the Sustainable Burbank Commission to present at the Waste Warrior Program.

C. Staff Communication:

Kreigh Hampel, Recycling Coordinator, announced the City's Where It Goes website. He also provided an update on the City's plastic policy.

John Molinar, Asst. Public Works Director – Street & Sanitation, explained that once they receive comments from various City departments, staff will craft a memo to Council. He noted that the City will begin using the policy in January 2020 with a phased roll-out.

III. APPROVAL OF MINUTES:

Minutes from the November 16, 2019 meeting were approved by Ms. Gemmill, Ms. Kirschenbaum, Ms. Robb, Ms. Schanberger, Mr. Weber, Mr. Yegparian, and Ms. Zimskind. Mr. O'Brien and Ms. Tenenbaum abstained.

IV. BURBANK WATER AND POWER GREEN RATE PROGRAM PRESENTAION

Staff from Burbank Water and Power will speak about a Green Rate Program that will be presented to Council on January 7, 2020. The Commission may ask questions, engage in discussion, provide feedback, and entertain a motion regarding further action on this item if desired.

Drew Kidd, Electrical Engineering Associate, Burbank Water and Power (BWP), presented the Green Rate Program to the group. Lincoln Bleveans, Assistant General Manager, Power Supply, BWP, discussed the program and answered questions from Commissioners.

V. DISCUSS THE 2020 DRAFT MEETING CALENDAR

Two of the regularly scheduled meetings conflict with City holidays. Staff will request the Commission to identify alternative meeting dates for the January and February 2020, meetings. The Commission may entertain a motion regarding further action on this item if desired.

The Commissioners discussed the 2020 Draft Meeting Calendar. Mr. Yegparian moved and Ms. Gemmill seconded a motion to approve the calendar. The motion was approved unanimously.

VI. DISCUSS ALLOWING PUBLIC COMMENTS DURING ALL AGENDA ITEMS AT THE CHAIR'S DISCRETION

At its November 18, 2019 meeting, the Commission agreed to discuss allowing the public to comment during all agenda items at the Chair's discretion. The Commission may ask questions, engage in discussion, provide feedback, and entertain a motion regarding further action on this item if desired.

The group discussed allowing the public to comment on any agenda item during the meeting. Mr. Yegparian moved and Mr. Weber seconded a motion to allow the public to comment up to 2 minutes during any agenda item, at the Chair's discretion.

VII. DISCUSS EARTH DAY 2020

At its November 18, 2019 meeting, the Commission agreed to discuss Earth Day 2020. The Commission may ask questions, engage in discussion, provide feedback, and entertain a motion regarding further action on this item if desired.

The Commissioners discussed Earth Day 2020. Mr. Yegparian moved and Ms. Tenenbaum seconded a motion to create the ad hoc Earth Day 2020 Subcommittee. All Commissioners approved the motion. Ms. Gemmill, Ms. Robb, and Ms. Tenenbaum volunteered to staff the Subcommittee.

VIII. AD HOC COMMUNITY ENGAGEMENT PHASE 2 SUBCOMMITTEE REPORT

At its June 18, 2018, meeting, the Commissioners agreed to form the ad hoc Community Engagement Phase 1 & Phase 2 Subcommittee. Phase 1 is complete and community engagement goals have been approved by the Commission. Phase 2 will focus on enacting the goals. The ad hoc subcommittee will provide the Commission with an update on the group's progress and proposed future direction for discussion and Commission direction. The Commission may ask questions, engage in discussion, provide feedback, and entertain a motion regarding further action on this item if desired.

Ms. Robb announced that the Subcommittee staffed a table at the Holiday in the Park event. She stated that they will continue to attend events.

IX. AD HOC SUSTAINABILITY- RELATED ACTION PLANS UPDATE SUBCOMMITTEE REPORT

At its November 18, 2019 meeting, the Commission agreed to disband the ad hoc Greenhouse Gas Reduction Plan Subcommittee and rename the ad hoc Sustainability Action Plan Subcommittee to the ad hoc Sustainability-related Plan Update. The Subcommittee will review the City's current sustainability-related action plans and offer recommendations for updates to the action plans. The Commission may ask questions, engage in discussion, provide feedback, and entertain a motion regarding further action on this item if desired.

Ms. Robb stated that staff from the Community Development Department (CDD) will be invited to a future Sustainable Burbank Commission meeting to discuss the Green House Gas Reduction plan.

X. AD HOC SUSTAINABILITY COORDINATOR SUBCOMMITTEE REPORT

At its September 16, 2019 meeting, the Commission agreed to form the ad hoc Sustainability Coordinator Subcommittee to create a job description for a Sustainability Coordinator and provide substantive facts to support why the position is necessary. The Commission may ask questions, engage in discussion, provide feedback, and entertain a motion regarding further action on this item if desired.

Vice Mayor Frutos announced that Council has voted against hiring a Sustainability Coordinator. He explained that a staff member from CDD will handle the duties of a Sustainability Coordinator. Once the individual is selected, Mr. Frutos will invite them to attend a Sustainable Burbank Commission meeting.

Because Council has voted on this agenda item, the ad hoc Sustainability Coordinator Subcommittee was disbanded.

XI. AD HOC HOLLYWOOD BURBANK AIRPORT REDEVELOPMENT SUBCOMMITTEE REPORT

At its July 15, 2019 meeting, the Commissioners agreed to form the ad hoc Hollywood Burbank Airport Redevelopment Subcommittee. The ad hoc Subcommittee will clarify its goals and provide the Commission with an update on the group's progress and proposed future direction for discussion and Commission direction. The Commission may ask questions, engage in discussion, and provide feedback.

Mr. Yegparian moved and Ms. Zimskind seconded a motion to approve the edited draft letter to the Hollywood Burbank Airport Authority. The motion was approved unanimously.

XII. DISCUSS UPCOMING SUSTAINABILITY RELATED COUNCIL AGENDA ITEMS

The Commission may review and discuss upcoming Council agenda items that are related to sustainability matters. The Commission may ask questions of staff, engage in discussion, and provide feedback.

The group discussed upcoming sustainability related Council items. Ms. Schanberger suggested attending the January 7, 2020 City Council meeting to support the BWP Green Rate Program. Ms. Robb suggested attending the February 11, 2020 City Council meeting to support the Complete Streets Plan.

XIII. INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At the May 14, 2009, Sustainable Burbank Task Force (now the Sustainable Burbank Commission) meeting, those present voted unanimously that members can suggest agenda items and obtain consensus from the group to have the items added to a future agenda.

The Commission agreed to the following future agenda items:

- Discuss the equity and economy aspects of sustainability
- Invite staff from the Community Development Department to discuss the Greenhouse Gas Reduction Plan
- Discuss a ban on leaf blowers
- Discuss a joint meeting with City Council (March/April 2020)

XIV. BURBANK GREEN SPOTLIGHT AWARD FOR FEBRUARY 2020:

The Commission will review applications, if any, and select one if its members to identify a Burbank Green Spotlight Award winner for February 2020.

The February Green Spotlight Award winner was not determined at the meeting.

XV. ADJOURNMENT:

The meeting adjourned at 6:48 p.m.