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PLANNING DEPARTMENT

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GOVERNMENTAL CENTER



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COUNTY OF SANTA CRUZ

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701 OCEAN STREET  
FAX (408) 454.2131

SANTA CRUZ, CALIFORNIA 95060  
(408) 454.2580

May 18, 2000

Agenda: 5/23/00

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, California 95060

SUBJECT: Response regarding recommendation of the Commission on Disabilities that a permit be required for parking, lot alterations to insure that State and Federal accessibility regulations are met.

Members of the Board:

On March 21, 2000 your Board, pursuant to a request by Chairperson Wormhoudt (Attachment 1), directed the Planning Director, in conjunction with County Counsel, to review the attached letter from the Chair of the Santa Cruz County Commission on Disabilities (Attachment 2) and report back on or before April 25, 2000. Staff subsequently requested that the item be continued to this agenda to allow for additional research to be conducted. Staff has completed its' research, met with County Counsel, and has established the following:

1. Slurry sealing, top dressing, overlaying or replacing a parking lot constitutes an alteration within the meaning of a recent advisory opinion issued by the State Attorney General's Office. In 1984 the State Attorney General advised the town of Los Gatos that when such an alteration is made, Title 24 of the State Code requires that parking spaces that meet current code must be provided. (Attachment 3).
2. The opinion did not address the issue of whether the meaning of alteration also encompasses path of travel for purposes of required compliance with current code. However, it is the opinion of County Counsel that all Title 24 requirements "triggered" by an alteration must be met. Accordingly, these requirements include both parking spaces within and path of travel to parking facilities.
3. Most jurisdictions in California, including the County of Santa Cruz, currently do not require a permit for slurry sealing, top dressing, overlaying or replacing a parking lot.

4. Local building departments are authorized and required to enforce Title 24 of the State Code, but these agencies are not authorized or required to enforce the Americans With Disabilities Act (ADA). The ADA is enforced by the Federal Justice Department and by civil litigation. The State has submitted Title 24 to the Department of Justice for review and certification.

While it is clear that many parking lot alterations are subject to the accessibility regulations set forth in Title 24 of the State Building Code, the development of a local permit system to enforce these regulations in a fair and consistent manner is a significant undertaking. Since this type of work is now performed without governmental oversight, it will be important to consult and coordinate with business owners and paving contractors in the development and implementation of any new permitting requirements. Administrative procedures must be developed, and existing systems must be revised to respond to this new activity. Staffing and workload issues must be addressed, including code enforcement impacts. For these reasons, we believe that this project should be considered within the context of the FY 2000-2001 Planning Department work program.

It is therefore **RECOMMENDED** that your Board accept and file this report, and direct Planning to return with a more detailed report for your consideration in conjunction with the Department work program on your August 1, 2000 agenda.

Sincerely,

  
ALVIN D. JAMES  
Planning Director

RECOMMENDED:

  
\_\_\_\_\_  
SUSAN A. MAURIELLO  
County Administrative Officer

Attachments:

1. Letter from Mardi Wormhoudt of March 13, 2000 with letter from the Commission Disabilities of March 1, 2000
2. Letter from James Donald of 5/13/80 with comment from G. R. Over-ton of 6/18/84.

parking lots 02 board letter.wpd

# Memorandum

(916) 445-0186  
TTY or Voice

To : G.R. Overton  
Deputy Attorney General  
Department of Justice  
3580 Wilshire Blvd.  
Los Angeles, CA 90010

Date : May 13, 1980

File No.:

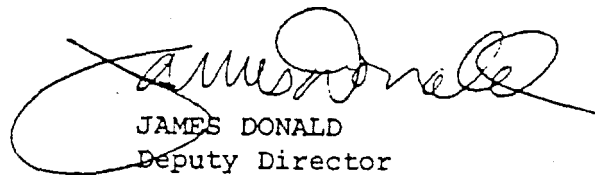
From : Department of Rehabilitation  
830 "K" STREET MALL  
Sacramento, California 95814

Subject: APPLICATION OF ACCESS LAWS TO RESTRIPING AND/CR  
RESURFACING PARKING LOTS

In your memo of April 21, 1980, you asked whether a parking lot owner is required to provide parking spaces for the handicapped when the lot is being resurfaced or restriped.

Section 19959 of the Health and Safety Code requires existing public accommodations to be made accessible when any alterations, structural repairs or additions are made. The Department interprets this section to include alterations, structural repairs or additions made to existing parking lots. When a parking lot is being restriped (repainting the existing lines) this may be considered maintenance and not an alteration. In a situation where the existing lines are blocked out and new lines designated, the restriping is an alteration and accessible parking spaces must be provided. Section 19959 would also apply when a parking lot is being resurfaced with a new top coating and new lines are being painted.

If you would like additional information, please contact me.

  
JAMES DONALD  
Deputy Director  
Legal Division

RECEIVED  
MAY 15 1980

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



3580 WILSHIRE BOULEVARD, ROOM 800  
LOS ANGELES 90010  
(213) 736-2304

June 18, 1984

Mary Jo Levinger  
Town Attorney  
Town of Los Gatos  
P. O. Box 949  
Los Gatos, California 95031

Dear Ms. Levinger:

Re: Parking Lot Striping

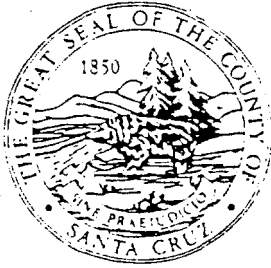
Enclosed please find the opinion of counsel for the Department of Rehabilitation on parking lot striping issued in 1980. This document represents the current view of this office.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

G. R. OVERTON  
Deputy Attorney General

Encl.



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# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

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SECOND DISTRICT

MARDI WORMHOUDT  
THIRD DISTRICT

TONY CAMPOS  
FOURTH DISTRICT

JEFF ALMQUIST  
FIFTH DISTRICT

AGENDA: 3/21/00

March '13, 2000

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: PARKING LOT ALTERATIONS

Dear Members of the Board:

Attached is a letter from John Daugherty, Chair of the Commission on Disabilities, conveying the Commission's concerns that parking lot alterations, such as resurfacing or slurry sealing, may inadvertently result in a lack of adherence with the requirements of the Americans With Disabilities Act (ADA) and the State Building Code. In order to ensure that public parking facilities continue to meet ADA and State Building Code regulations, the Commission is recommending that the Board adopt a procedure requiring a permit for parking lot alterations, including resurfacing, top dressing, or slurry sealing.

I believe that the Commission's concerns are important and that the Board would benefit from staff evaluation of this matter. Accordingly, I recommend that the Board direct the Planning Director, in consultation with County Counsel, to review the Commission's recommendation and provide a report to the Board on or before April 25, 2000.

Sincerely,

MARDI WORMHOUDT, Chair  
Board of Supervisors

MW:ted  
Attachment

cc : Commission on Disabilities  
Alvin James, Planning Director  
Dwight Herr, County Counsel

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COMMISSION ON DISABILITIES

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COUNTY OF SANTA CRUZ

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Phone 454-2355 Fax: 454-2433

701 Ocean St., Rm 30, Santa Cruz, CA 95060  
commissions@co.santa-cruz.ca.us

1 March 2000

Chair Mardi Wormhoudt  
Board of Supervisors  
701 Ocean Street  
Santa Cruz, CA 95060

Dear Chair Wormhoudt:

The Commission on Disabilities wishes to recommend that a permit requirement for parking lot alterations be instituted to ensure that ADA and State Building Code accessibility requirements are being met.

Currently, Santa Cruz County does not require a building permit to resurface or slurry seal an existing parking lot. Since no plans are required for County review prior to the work, the facility owner and/or his contractor may not be aware of all the access regulation upgrades required, and only perform the resurfacing alteration. In addition, the building department may never be aware of the alteration action, and consequently does not enforce the required access requirements.

Many parking lots in the County, which have undergone alterations were either overlooked or went undetected, and consequently were not brought into compliance. This results in some persons with disabilities being at best, inconvenienced, and at worst being unable to independently patronize the facilities supported by the parking lot.

In order to remedy this situation, the Commission on Disabilities recommends that the Board of Supervisors adopt a resolution requiring a permit for parking lot alterations. This permit should be required for resurfacing, top dressing or slurry sealing and require adherence to applicable ADA and State Building Code (Title 24) access requirements. In addition, this permit should require drawings and specifications to assure that the parking lot is brought into conformance with the latest code requirements.

The following is suggested wording for a new ordinance, or addition to an existing parking ordinance:

**Draft Permit Requirements for Parking Lot Alterations**

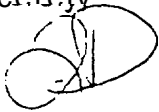
Permit required for parking lot resurfacing:

No person shall slurry seal, top dress, overlay, or replace any parking lot without a permit. Work shall include bringing the following items into compliance with the latest ADAAG and California Building Code (Title 24) requirements:

1. Accessible parking spaces (including quantity, locations, size, slope, marking, signing, curb ramps, and distribution)
2. Accessible paths of travel through the parking lot from accessible parking spaces, connecting with existing pedestrian walks to primary building entrances and other accessible facilities (including marking, cross slopes, curb ramps, ramps, hand rails, etc.).

Thank you for your consideration in this matter.

Sincerely,



John Daugherty, Chair  
Santa Cruz County Commission on Disabilities