



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: October 9, 2018

DATE: September 7, 2018

TO: Board of County Commissioners

FROM: Bob Webb, Planning Manager, Planning and Building Division
Community Services Department, 328-3623, bwebb@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning &
Building Division, Community Services Dept., 328-3619,
mhauenstein@washoecounty.us

SUBJECT: Introduction and first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) to change the number of van accessible handicapped parking spaces required in accordance with Washoe County Code Table 110.410.15.1 from one per eight handicapped parking spaces to one per six handicapped parking spaces for any parking facility serving the public; and, to address other matters necessarily connected therewith and pertaining thereto.

And, if supported, set the public hearing for the second reading and possible adoption of the ordinance for October 23, 2018. (All Commission Districts.)

SUMMARY

Introduction and first reading of an ordinance amending Washoe County Code Chapter 110 to change the number of required van accessible handicapped parking spaces from one per eight handicapped parking spaces to one per six handicapped parking spaces. Set the public hearing for the second reading and possible adoption of the ordinance for October 23, 2018.

Washoe County Strategic Objective supported by this item: Proactive Economic Development and Diversification

PREVIOUS ACTION

No previous action.

BACKGROUND

PROPOSED TECHNICAL REVISION

Handicapped parking spaces are regulated within Washoe County Code (WCC) Chapter 100 (Buildings and Construction) and the WCC Chapter 110 (Development Code). Both WCC Chapters establish the handicapped parking spaces required for new development

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(Development Code) and new buildings or uses within a building (Building and Construction). Specific to this technical revision, WCC Section 110.410.15(c)(1) requires that one of every eight required handicapped parking spaces be a van accessible space (code extract appears below, highlights and underline added).

Section 110.410.15 Special Parking Provisions.

(c) Handicapped Parking. In any parking facility serving the public, parking for the handicapped shall be provided as set forth in this subsection.

(1) Handicapped parking spaces shall be provided in accordance with Table 110.410.15.1. One (1) of every eight (8) required handicapped spaces shall be a van accessible space (a minimum of one (1) van accessible space per parking area).

This section of the Development Code was last amended on July 7, 1993. Planning staff was informed by a concerned citizen that the 2010 U.S. Department of Justice (DOJ) Americans with Disabilities Act (ADA) Standards (Titles II and III) require that for every six handicapped parking spaces, at least one shall be a van parking space (see Attachment B, highlights added).

The DOJ ADA Standards provide guidance to local jurisdictions, but do not carry the force of law when enforcing local jurisdiction development and building regulations. However, Section 1106.5, *Van Spaces*, of the 2012 International Building Code (IBC) requires that for every six handicapped accessible parking spaces, at least one shall be a van-accessible parking space (see Attachment C, highlights added).

The 2012 IBC was adopted by reference into WCC Chapter 100, so the IBC carries the force of law for building regulations within unincorporated Washoe County. Therefore the Development Code must be amended to conform to WCC Chapter 100. The specific technical revision to the Development Code appears below (highlights added):

Section 110.410.15 Special Parking Provisions.

(c) Handicapped Parking. In any parking facility serving the public, parking for the handicapped shall be provided as set forth in this subsection.

(1) Handicapped parking spaces shall be provided in accordance with Table 110.410.15.1. One (1) of every six (6) required handicapped spaces shall be a van accessible space (a minimum of one (1) van accessible space per parking area).

The technical revisions will also make minor grammar edits within WCC Section 110.410.15 to eliminate duplicate numbering. Specifically, a reference to “one (1)” will be amended to read as “one”. Letters will be used for numbers from one to nine, and numbers for any number greater than 10.

TECHNICAL REVISION CODE AMENDMENT PROCESS

WCC Section 110.818.60 enables technical revisions to the Development Code by the Director of the Planning and Building Division (see Attachment D). Technical revisions

are initiated by the Director [WCC Section 110.818.60(c)(1)] and proceed directly to the Washoe County Board of County Commissioners (BCC) for a first and second reading. The Director initiated this technical revision (WDCA18-0004) on August 31, 2018 (see Attachment E). WCC Section 110.818.60(d) requires certain findings to be made by the Director in order to initiate a technical revision. This technical revision qualifies based on the following requirements:

1. Mandated by federal law, whether by statute or court decision, and when no significant discretion can be exercised by the County [WCC Section 110.818.60(b)(2); DOJ ADA standards]; and,
2. Needed to conform to an action taken by another County agency [WCC Section 110.818.60(b)(6); 2012 IBC adopted by reference into WCC Chapter 100].

The technical revision is consistent with all of the statutes, plans and codes outlined in WCC Section 110.818.60(d)(2). WCC Section 110.818.60(e) requires that the Planning Commission (Chair and members) and Citizen Advisory Boards (Chairs and members) be notified of the proposed technical revision and be provided the opportunity to provide objections or comments. The Planning Commission (PC) and the Citizen Advisory Boards (CAB) were notified by e-mail on August 29, 2018 and by postal mail on August 30, 2018 of the proposed technical amendment (see Attachment F). The PC and CAB Chairs and members were asked to provide any objections or comments by September 6, 2018 in order for staff to include their responses within this staff report.

As of the writing of this staff report, staff had responses from two PC members (Chesney and Donshick) and six CAB members (Brockman, Christensen, Edwards, Giddings, Rummings, and Theiss). All of the PC and CAB responding Chairs/members have no objections to or comments on the proposed technical revision. Staff can provide copies of their responses if the Board requests. Staff will provide any PC or CAB responses received after the writing of this staff report at this meeting (introduction and first reading of the ordinance) as required by WCC Section 110.818.60(e)(2)(i) & (ii).

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board introduce and conduct the first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) to change the number of van accessible handicapped parking spaces required in accordance with Washoe County Code Table 110.410.15.1 from one per eight handicapped parking spaces to one per six handicapped parking spaces for any parking facility serving the public; and, to address other matters necessarily connected therewith and pertaining thereto. It is further recommended that the Board set the public hearing for the second reading and possible adoption of the ordinance for October 23, 2018.

POSSIBLE MOTION

Should the Board agree with the recommendation, a possible motion would be:

“Move to introduce Bill Number [insert bill number as provided by the County Clerk] to conduct the first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) to change the number of van accessible handicapped parking spaces required in accordance with Washoe County Code Table 110.410.15.1 from one per eight handicapped parking spaces to one per six handicapped parking spaces for any parking facility serving the public; and, to address other matters necessarily connected therewith and pertaining thereto. I further move to set the public hearing for second reading and possible adoption of this ordinance for October 23, 2018.”

- Attachments:
- A. Proposed Ordinance
 - B. 2010 DOJ ADA Standards (Titles II and III) (extract)
 - C. 2012 IBC, Section 1106
 - D. WCC Section 110.818.60
 - E. Technical Revision Initiation
 - F. Notification of PC and CABs