

March 12, 2015

Comments for: FACBC Review and Recommendations by UF Project dated June 30, 2014

Comments by: Bemmie Eustace

553.504(1) Covered entities

Recommend clarifying defining religious entities that are not covered. Is it just the sanctuary? If a church has a school or allows public rentals of the community hall, I was under the impression that the school and community rooms would be covered. The statute is not clear with regard to religious entities.

553.504(2) Single family residential

Agree with no change recommendation from UF study.

553.504(3) Exterior Hinged Door Force

I would recommend eliminating this FL specific criteria and defer to the federal standards (which defers to the NFPA Fire Code). NFPA: 10 lbs. maximum; FL: 15 lbs. maximum for exterior hinged doors

There are difficulties maintaining a maximum 8.5 lb. pressure with wind locks and vestibules often used in FL due to the summer heat and egress doors. The NFPA Life Safety Code requires a maximum 10 lbs. of force to operate, which is much more achievable. Heavier doors that are fire rated, inconsistencies in measuring the force (initial vs. continual force) and when to measure (worse case with windy conditions or no wind) add to the difficulties of property owners and are a real concerns for compliance.

Power assisted door openers are often times difficult and expensive to install as a retrofit, as electrical service point is needed which is not always nearby, and the location of the paddle to initiate operation in relation to the door itself has a limited separation distance which proves difficult where there are terrain and elevation changes as a clear floor space is needed for the paddle operation.

Automatic door openers are expensive for a smaller use, and can be problematic for uses such as multi-tenant shopping centers with cross traffic in front of the storefronts. Caution should be taken if considering applying automatic door openers to all uses.

If it is decided to retain the 8.5 lbs. of force for exterior hinged doors, or consider power assist or auto doors, thresholds would need to be defined for occupancy type and occupancy load. If the force is lowered for exterior hinged doors, it will create problems with energy code compliance. For these reasons, I recommend deferring to the federal code and eliminating the FL specific criteria for 8.5 lbs. of force for exterior hinged doors

553.504(4) Hotels, Motels and Condos – 5% FL specific

Agree with recommendation. Also agree that the need for the 5% FL Specific rooms should be evaluated for need.

553.504 (5)(a) Accessible Lav in Toilet Compartment

Recommend removing the "at least 19" wide by 17" deep, nominal size" from statute. There are numerous lavatories that can be used outside these dimensions while still complying with the lavatory standards in the ADA and FACBC. The 2010 Standards have a minimum and maximum depth for the toe and knee clearance, allowing for a variety of lavatory sizes that can comply, so the FL specific dimensions are not as applicable.

553.504(5)(b) Accessible water closet positioned diagonal to the door

I would recommend elimination of the diagonal requirement based on full maneuverability for exiting within the toilet room for FL's new construction requirements. Section 603.2.1 remains for the turn space so the 60" diameter or T-turn area is still required.

Where a toilet compartment is oversized and provides for full maneuvering such as FL's toilet compartment/room, the need to position the water closet diagonal is a non-issue due to the full maneuvering areas provided. There are plenty of instances where the water closet can be positioned in front of the compartment door where space permits.

Where there is a remodel, compliance to the maximum extent feasible may trigger the need for the diagonal requirement. *I would recommend language such as "In alterations, the accessible water closet within the wheelchair compartment must be located in the corner, diagonal to the door where there is not compliant maneuverability to exit the compartment."*

553.504(6) Barrier Removal at emergency or common entrances

Recommend deleting.

This state provision is confusing at best, as illustrated by the lengthy UF commentary in the report and it is unenforceable. Additionally, building officials and plans reviewers in jurisdictions do not have the federal code to reference 28 CFR Part 36 and, in virtually all cases, will not entertain the federal regulations as they often claim "we are not responsible for enforcing federal law."

It is recommended to replace the Florida specific language for Barrier Removal provision (Section 101.2 along with 202.6 and 207.1.1) from the FACBC with a simple statement in the FACBC such as "Modifications done to comply with the federal obligation to remove architectural barriers where readily achievable in an effort to improve access to covered entities are required to comply with the alterations provisions of this code, to the maximum extent feasible." This gives building officials a clearer understanding of how to address the removal of barriers.

553.5041(2) On street parking and ROW width

Agree with recommendation of no change.

553.5041(3) Parking Spaces – marking for exclusive use

Agree with recommendation for no change.

553.5041(4)(a) and (b) – Parking Spaces – Number of spaces for public building if parking is not provided on premises; 1 to 150 metered on street parking spaces.

Agree with recommendation to add “a minimum of” one accessible parking space in the immediate vicinity of a publicly owned or leased building... as noted in 553.5041(4)(a) for public entities.

I do not agree with UF recommendation to incorporate the upcoming PROW Guidelines until such time the Guidelines are adopted by DOJ and the DOT.

553.5041 (4)(c) – increasing number of accessible parking based on need

As noted by UF report, there is not a clear definition of how to demonstrate and document need, and there is not an enforcement mechanism in place.

Recommend deleting this provision from the statute.

553.5041(5)(a) – Accessible spaces must be on 44” wide route so users are not compelled to walk or wheel behind parked vehicles other than their own.

It is recommended to eliminate this provision in the FL statute and defer to the federal advisory. There is a ripple effect on site design when complying with this FL provision. The additional cost for widening driveway aisles to accommodate an accessible route in front of the accessible spaces is a direct land cost, adding to impervious area, which can compromise open space requirements by zoning regulations and storm water requirements. Where there is a large site (i.e. shopping centers), this cost is multiplied by the number of accessible parking spaces required. This is a very costly provision for shopping center owners.

553.5041(5)(b) – Multiple entrances or multiple retail stores must be dispersed to provide parking to the nearest accessible entrance. Also addresses theme parks with attendants.

The UF discussion only addresses theme parks and makes no recommendations for change, which I am in agreement with. However, the UF report does not address the other provision in this section of the statute.

Recommend eliminating or modifying the language requiring accessible parking nearest an accessible entrance for multi-tenant facilities. The way the current FS is written is confusing in that it is implied (and is typically applied) to mean an accessible space is required to be provided for each accessible entrance. In the case of strip shopping centers, there could be many stores (25 or 30) with accessible entrances while having dispersed clustering of accessible parking and an accessible route to the arcade (sidewalk) in front of the stores. This does not meet the statutes specific criteria, as the spaces are not necessarily nearest to the accessible entrance for a given store. If the statute was applied for exact compliance, accessible parking would need to be in front of every tenant space, along with a curb ramp for each tenant.

Parking dispersion is addressed under the federal law 208.3.1 which adequately addresses dispersion where there are multiple entrances to a single occupant of a facility... “Where parking serves more than one entrance, parking spaces complying with 502 shall be dispersed and located on the shortest accessible route to the accessible entrance.”

If the “multiple tenant” provision is retained, for clarification of how to apply this provision, *I would recommend rewording it to allow the clustering of accessible parking spaces for multi-tenant facilities provided the clusters of spaces are dispersed and on an accessible route to the arcade/storefront sidewalk for the tenants.*

553.5041(c)(1) – Accessible parking space size of 12’ with 5’ access aisle

Strongly recommend reducing the 12’ width of the current accessible space to the universal 11’ width while maintaining the 5’ marked access aisle. Retain the optional 8’ wide space with an 8’ access aisle for attendant lots; retain 8’ minimum width for on street parking without an access aisle.

553.504(5)(c)2 –Parking not allowed in access aisle.

Agree with recommendation of no change, however this is an enforcement issue and it may be prudent to move it to FS 316.

553.5041(c)3 – Theme parks allowed to use federal parking space markings in lieu of FL striping

Agree with recommendation of no change.

553.5041(5)(d) – On street parallel parking spaces less access aisle with reduced curb height while complying with 208 and 502 of the Standards.

The UF study recommends specification of a maximum curb height and mirroring the PROW Guidelines for on street parallel parking. However, as shown below, the PROW does not specify a curb height for narrower sidewalks (or wider sidewalks), as it simply places the spaces at the end of the block. Consideration should be given to street grades and drainage parameters as well. The typical industry wide curb height is 6”, allowing for a curb ramp without handrails. Whether the curb interferes with the car door when opened is more of an issue with the counter slope of the road from the gutter than the height of the curb itself. If the accessible pace meets the maximum 2.08% slope criteria, the height of the curb is less of an issue.

Due to the extraneous considerations with street design and drainage, it is recommended to adopt the federal PROW Guidelines at the time they are adopted by the DOJ and DOT. Until such time, it is recommended to leave the statute as is, with the exception of removing the “reduced curb height” criteria.

R309 On-Street Parking Spaces

R309.1 General. On-street parking spaces shall comply with R309.

Advisory R309.1 General. R214 specifies how many accessible parking spaces must be provided on the block perimeter where on-street parking is marked or metered. Accessible parking spaces must be

identified by signs displaying the International Symbol of Accessibility (see R211.3 and R411). Accessible parking spaces should be located where the street has the least crown and grade and close to key destinations.

R309.2 Parallel Parking Spaces. Parallel parking spaces shall comply with R309.2.

Advisory R309.2 Parallel Parking Spaces. The sidewalk adjacent to accessible parallel parking spaces should be free of signs, street furniture, and other obstructions to permit deployment of a van side-lift or ramp or the vehicle occupant to transfer to a wheelchair or scooter. Accessible parallel parking spaces located at the end of the block face are usable by vans that have rear lifts and cars that have scooter platforms.

R309.2.1 Wide Sidewalks. Where the width of the adjacent sidewalk or available right-of-way exceeds 4.3 m (14.0 ft), an access aisle 1.5 m (5.0 ft) wide minimum shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. The access aisle shall comply with R302.7 and shall not encroach on the vehicular travel lane.

R309.2.1.1 Alterations. In alterations where the street or sidewalk adjacent to the parking spaces is not altered, an access aisle shall not be required provided the parking spaces are located at the end of the block face.

R309.2.2 Narrow Sidewalks. An access aisle is not required where the width of the adjacent sidewalk or the available right-of-way is less than or equal to 4.3 m (14.0 ft). When an access aisle is not provided, the parking spaces shall be located at the end of the block face.

553.5041(5)1 & 2 – Removal of Architectural Barriers in parking facilities must comply unless not readily achievable. Alterations must comply to the maximum extent feasible.

Recommend deleting provision in FL Statute as this is addressed in federal regulations for removal of barrier and alterations provisions.

553.5041(6) – Accessible Space Striping

New Mexico and other states have only blue striping to designate accessible spaces, as opposed to jurisdictional striping plus blue outline to designate the space for accessible parking. Since there is confusion at times as to whether to measure the width of the space from the centerline of the blue striped or the white stripe, and since repainting when necessary is mandated under the federal maintenance provision, *it is recommended to eliminate the text “in a manner that is consistent with the standards of the controlling jurisdiction for other spaces and prominently outline”. Additionally, it is recommended to eliminate the text “and must be repainted when necessary,” since maintenance is covered under the federal regulations. These changes would result in the text reading: “Each such parking space must be striped with blue paint to be clearly distinguishable as a parking space designated for person who have disabilities...”*

Adding a provision for pavement markings is not recommended. The ISA is virtually always used in FL as a pavement marking though not required. Most contractors think this is a requirement.

553.509 Vertical Accessibility

Recommend removing “and the Americans with Disabilities Act Standards for Accessible Design” in the first sentence. The ADA does relieve owners from providing vertical accessibility (elevators) in certain circumstances.

Recommend adding press boxes to the list of exceptions to vertical access provided the federal requirements are met.

Recommend clarifying that “persons” does not mean “occupants” per Chapter 10. Applying the occupancy formula in Chapter 10 of the FBC to determine whether the “five persons” threshold is met is virtually always used by building officials. This is an unintended consequence as it is currently written. Five occupants in the building code and five actual people are very different. Is it possible to add (not occupants per chapter 10 of the FBC) after persons, or maybe modify “persons” to “actual or physical people”?

Recommend defining “occupiable”, “unoccupiable”, and “enclosed space”. Does “unoccupied” mean it is not intended to be occupied, or that it cannot be occupied (e.g. catwalk). Does “enclosed space” mean anything in the building, fixed modular furniture, walls? Does an “enclosed space” mean four walls and a roof or just a roof with moveable windows to allow outdoor air (patio)?

Consider the situation with a second level of a storage area for Sea World from a several years back. The second level was used for storage of props for shows. The entire second level was unconditioned space with chain link fencing separating areas of storage with the exception of a 600sf area that was enclosed and conditioned for storage of animal food which needed temperature controlled environment. The unconditioned space was separated by chain link fence areas. The Building Official required a waiver based on occupancy load greater than 5 occupants. The state indicated the waiver was not needed and met the exceptions in the law.

553.511 Vertical Clearance for Vehicles

Recommend clarifying the sign language. Maybe “Maximum height beyond this point is less than 98” if applicable to the particular parking garage, as opposed to having the sign specifically target operators of handicapped-equipped vans that they cannot pass beyond a certain point due to height limitations. Need to be careful of the length of the text since it needs to be large enough font to be legible from a distance.
