

06/25/2021

Accessibility Advisory Council Members
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Reference: Grand Cypress Village ADA Waiver
IP # 2019.0737
Grand Cypress Village

Dear Accessibility Advisory Council of Florida,

Please accept the following as the description of the Florida-specific requirements in the Florida Accessibility Code that are being requested to be waived for the Grand Cypress Core Village application.

Project Description: The project is a multi-unit development including single-family home style buildings intended for transient lodging use. The development is owned and will be operated by a single entity.

As this is not a typical hotel/motel construction configuration, early guidance was sought regarding whether the proposed development would fall under residential or transient lodging requirements. At a meeting with the Orange County Building Department on August 3rd, 2018, the determination was made that it would fall under transient lodging requirements. Subsequently, additional guidance was sought from the DOJ regarding parking for this non-standard layout. Meeting notes from these discussions are included for reference as separate attachments.

The issues pertaining to the requested grounds for waiver follow in a format that indicates the code sections as applicable, the requirement(s) to be waived, and the associated grounds for waiver for each issue. The issues are numbered only for ease of reference. FACBC is the abbreviation utilized for the Florida Accessibly Building Code and 2010 Standards is the abbreviation of the 2010 ADA Standards for Accessible Design.

Issue 1: Florida penalty sign and required "PARKING BY DISABLED PERMIT ONLY"

FACBC 2020

Section 208.3.1 General.

"Designated accessible spaces shall be designed and marked for exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.842, s 8320.0843, or s. 320.0845. Parking spaces complying with 502 that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4. All spaces must be located on an accessible route that is at least 44 inches (1118mm) wide and so that users are not compelled to walk or wheel behind parked vehicles except behind his or her own vehicle. Where parking serves more than one accessible entrance, parking spaces complying with 502 shall be dispersed and located on the shortest accessible route to the accessible entrances. If there are multiple entrances for multiple retail stores the parking spaces must be dispersed to provide parking at the nearest accessible entrance. ..."

Section 502.6 and 502.6.1 Identification

"502.6 Parking Space identification signs shall include the International Symbol of Accessibility complying with 703.7.2.1. Signs identifying van parking spaces when required by 502.2 shall contain the designation "van accessible."

502.6.1 Each such parking space must be striped in a manner that is consistent with the standards of the controlling jurisdiction for other spaces and prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities. The space must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at least 60 inches above the finished floor or ground surface measured to the bottom of the sign and which bears the international symbol of accessibility the caption "PARKING BY DISABLED PERMIT ONLY". Such a sign, erected after October 1, 1996 must indicate the penalty for illegal use of the space. "

2010 Standards

Section 208.3.1 General.

"Parking spaces complying with 502 that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4. Where parking serves more than one accessible entrance, parking spaces complying with 502 shall be dispersed and located on the shortest accessible route to the accessible entrances. ..."

Section 502.6 Identification

"Parking spaces identification signs shall include the International Symbol of Accessibility complying with 703.7.2.1. Signs identifying van parking spaces shall

contain the designation "van accessible." Signs shall be 60" minimum above the finish floor or ground surface measured to the bottom of the sign."

Requirements to be Waived – Issue 1

We request to waive the FACBC requirement of penalty signs and the words "PARKING BY DISABLED PERMIT ONLY" for this development down to the required ISA symbol sign per the 2010 Standards.

Grounds for Waiver – Issue 1

"The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general."

This is not a standard transient lodging parking configuration. The motor courts and driveway style parking areas provided for each unit are more in line with a single-family residential home which typically does not require the installation of signs at driveways even at rental properties. Providing the signage per the FACBC will more prominently single out and allow for targeting of guests that need accessible accommodations.

Understanding that as a transient lodging use, this project must comply with the sign minimums of the 2010 Standards for the accessible parking, we request to utilize an ISA symbol on a sign in the development's signage colors at all required accessible parking to mark the accessible parking rather than signage as required per FACBC. Please see the attached 2020-12-18_ADA Parking Exhibit for the rendering of the proposed alternate sign installation.

By waiving down to the 2010 Standards from the Florida penalty sign and the "PARKING BY DISABLED PERMIT ONLY" wording, the development can continue to provide the required ISA symbol, integrating requirements for the guests who need accessible accommodations while reducing the potential targeting of vulnerable guests.

Issue 2: Parking Space striping

FACBC 2020

Section 502.2 Vehicle Spaces

"Each parking space must be at least 12 feet wide shall be marked to define the width, and shall have an adjacent access aisle complying with 502.3. see section 406.5 for curb ramp location.

Section 502.6.1 Identification

"Each such parking space must be striped in a manner that is consistent with the standards of the controlling jurisdiction for other spaces and prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities.

...."

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2010 Standards

Section 502.2 Vehicle Spaces

"Car parking spaces shall be 96 inches wide minimum and van parking spaces shall be 132 inches wide minimum, shall be marked to define the width and shall have an adjacent access aisle complying with 502.3."

Requirements to be Waived – Issue 2

We request to waive the FACBC requirement of outlining in blue paint down to requiring the width be marked per the 2010 Standards.

Grounds for Waiver – Issue 2

"The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general."

The balance of the parking within the development will not receive striping. The motor courts and driveway style parking areas provided for each unit are more in line with a single-family residential home which typically does not require striping of spaces (accessible or otherwise). Pavers are being utilized as the finished surface for the parking areas, and no striping is intended to be provided.

Additionally, as the parking spaces are intended for their correlating unit, the additional blue striping will reduce the available parking at the accessible units when rented for standard guest bookings. The parking counts also require more accessible parking than 1 per accessible unit and when providing the required number of accessible parking across the development, additional non-accessible units will also experience a reduction of parking available at standard guest units.

Understanding that as a transient lodging use, this project must comply with the identification minimums of the 2010 Standards for the accessible parking space, we request to utilize pavers in differing colors to mark the space rather than the blue striping required per FACBC. Additionally, it is the intent to ensure the entire motor court at the accessible units meet slope requirements. Please see the attached 2020-12-18_ADA Parking Exhibit for the rendering of the proposed alternate paver installation.

Issue 3: Accessible Parking Aisle Striping

FACBC 2020

Section 502.3.3 Marking

"Access aisles shall be marked so as to discourage parking in them. The access aisle must be striped diagonally to designate it as a no-parking zone."

2010 Standards

Section 502.3 Marking

"Access aisles shall be marked so as to discourage parking in them."

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Requirements to be Waived – Issue 3

We request to waive the FACBC requirement of diagonally striping in an accessible parking access aisle, down to marking per the 2010 Standards.

Grounds for Waiver – Issue 3

"The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general."

As indicated in previous issues, this is not a typical transient lodging parking configuration. The motor courts and driveway style parking areas provided for each unit are more in line with a single-family residential home which typically does not require striping at driveways or access aisles. Additionally, no other parking areas are intended to be striped throughout the development.

Understanding that as a transient lodging use, this project must comply with the marking minimums of the ADAAG for the access aisle, we request to utilize pavers in differing colors to mark the access aisle rather than diagonal striping required per FACBC. Please see the attached 2020-12-18_ADA Parking Exhibit for the rendering of the proposed alternate paver installation.

Sincerely,

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