

## **GREEN MONKEY YOGA STUDIO**

**Issue:** Vertical accessibility to the second floor of a multi-use building.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to a yoga studio located on the second floor. A restaurant is located on the accessible first floor. The building is undergoing a \$250,000 alteration which includes refurbishing the existing elevator, an accessible entrance and accessible toilet rooms on both floors. According to the applicant, installing a new elevator would be disproportionate to the cost of the alteration. The applicant also requested a waiver from providing vertical access to the pool area via an inclined stair lift. NOTE: A stair lift traveling along a stairway is not an acceptable method of providing vertical accessibility since it does not provide transport for an individual's wheelchair.

### **Project Progress:**

The project is under design.

### **Items to be Waived:**

Vertical accessibility to the second floor and pool level, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
- (3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.

**Waiver Criteria:** There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

This application is available in alternate formats upon request.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS  
OF CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

**1. Name and address of project for which the waiver is requested.**

Name: Green Monkey Yoga Studio

Address: 5734 Sunset Drive, Miami, FL 33

**2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:**

Applicant's Name: Richard Londono

Applicant's Address: 1385 Coral Way, PH 401, Miami, FL 33145

Applicant's Telephone: (305) 285-7373 #323 FAX: (305) 285-2363

Applicant's E-mail Address: rlondono@adaag-consulting.com

Relationship to Owner: N/A

Owner's Name: Green Monkey

Owner's Address: 5734 sunset Dr., Miami, FL

Owner's Telephone: (305) 662-1421 FAX \_\_\_\_\_

Owner's E-mail Address: phil@greenmonkey.net

Signature of Owner: \_\_\_\_\_

Contact Person: Valeria Mejia

Contact Person's Telephone: (305) 285-7373 E-mail Address: vmejia@adaag-consulting.com

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Form No. 2001-01

**3. Please check one of the following:**

New construction.

Addition to a building or facility.

Alteration to an existing building or facility.

Historical preservation (addition).

Historical preservation (alteration).

**4. Type of facility.** Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

This facility is a 2-story commercial building of approximately 6,231 sf. It houses a restaurant in the first floor and personal skills in the upper floors.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** (Roughly

\$250,000.00)

**6. Project Status:** Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design  Under Construction\*

In Plan Review  Completed\*

\* Briefly explain why the request has now been referred to the Commission.

Under design pending vertical accessibility requirement applicability.

The project is the change of use to an existing building.

Due to the structure of the building the cost of installing an elevator is disproportionate as it costs as much as the construction project, representing a financial hardship.

7. **Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

**Issue**

1: Vertical Accessibility - Section 553.509, Florida Statutes

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**Issue**

2: Disproportionate cost to the cost associated with the project scope of work, §11-4.1.6 (2) FBC

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**Issue**

3: \_\_\_\_\_

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8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

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

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Substantial financial costs will be incurred by the owner if the waiver is denied.

The planned alteration includes retrofitting the existing elevator, providing accessible entrance, new accessible restrooms in the 1<sup>st</sup> and 2<sup>nd</sup> level, as well miscellaneous accessible features.

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The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

(Quotes and photographs will be provided)

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9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. Vertical accessibility to the 2nd floor by means of a new elevator

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b. Vertical accessibility to the pool level by means of an inclined chair lift

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c. \_\_\_\_\_

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10. **Licensed Design Professional:** Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

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**Signature** \_\_\_\_\_ **Printed Name** \_\_\_\_\_

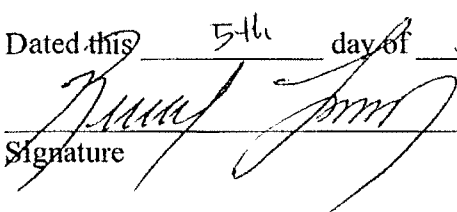
**Phone number** \_\_\_\_\_

**(SEAL)**

**CERTIFICATION OF APPLICANT:**

I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 5<sup>th</sup> day of January, 2009

  
Signature

Ricardo Londono  
Printed Name

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.