

# ACCESSIBILITY ADVISORY COUNCIL

## GROUNDS FOR APPROVAL

- **Economic Hardship**

- Does the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration to the primary function area?
- If the 20% threshold is met, the waiver SHALL be granted.
- Does not apply to new construction.
  - Fit-outs/Build-outs are considered new construction

- **Historic Nature**

- Has the applicant provided documentation of the historic significance of the building?
- Would the historic significance of the structure be negatively impacted by the alterations applicant would have to make to provide accessibility?
- Can be combined with Technical Infeasibility or Economic Hardship

- **Technical Infeasibility**

- Is the structure built in a way that would otherwise place unnecessary, unreasonable, or extreme hardship on the applicant, if they were required to provide accessibility?
  - Has the applicant provided comments from a licensed design professional?
  - Would have to rebuild, demolish, encroach on property lines, etc.

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### Change of Use - WAV # 231

**Issue:** Vertical accessibility to the second floor.

**Project Type:** Alteration to an existing building

**Project Progress:** Under Design

**Compliance estimate + Amount spent on accessible features:** \$115,000.00

**Project Construction Cost + Construction Cost Over Past 3 Years:** \$306,840.00

**Economic Hardship Threshold:**

$$\frac{115,000}{306,840} = 37.4\%$$

**Applicant alleges the hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general, and the substantial financial costs will be incurred by the owner if the waiver is denied.**

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor. The project consists of a “change of use” to an existing 5,114 sf two story apartment house to a transient hotel. The proposed alteration consists of the existing 6 units being converted to 8 units with an unstaffed lobby and a new handicap accessible ramp. The project construction budget for the alteration is \$306,840.00. The project cost estimate for compliance was provided in an estimate of \$115,000.00. The applicant has submitted a letter from his architect stating that the original structure has masonry exterior walls and wood-framed roof and floors on concrete foundations. Additionally, the building is located within architectural district within the City of Miami Beach and is situated on a confined site that allows for limited further development due to defined setbacks. Furthermore, the applicant contends that strict compliance with the scope requirement will create a difficult hardship that would greatly diminish the integrity of the established architectural design. The applicant requesting a waiver based on substantial economic hardship and a condition or set of conditions affecting the owner that does not affect owners in general.

#### **Uploaded Documents:**

1. Licensed Design Professional Letter
2. Plans/Pictures
3. Cost Estimate for Compliance

#### **STAFF RECOMMENDATION:**

The compliance estimate and the amount spent on accessible features amount to 37.4% of the total cost of construction. Staff recommends granting the request for waiver on the grounds of economic hardship.

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### Items to be waived:

Vertical accessibility to the structure, as required by section 553.509, Florida Statutes.

553.509 Vertical accessibility. This part and the Americans with Disabilities Act Standards for Accessible Design do not relieve the owner of any building, structure, or facility governed by this part from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the standards require an elevator to be installed in such building, structure, or facility, except for:

- (a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
  - (b) 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
  - (c) 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.
  - (d) Theaters, concert halls, and stadiums, or other large assembly areas that have stadium-style seating or tiered seating if ss. 221 and 802 of the standards are met.
  - (e) All play and recreation areas if the requirements of chapter 10 of the standards are met.
  - (f) All employee areas as exempted in s. 203.9 of the standards.
  - (g) Facilities, sites, and spaces exempted by s. 203 of the standards.
- (2) However, buildings, structures, and facilities must, as a minimum, comply with the Americans with Disabilities Act Standards for Accessible Design.

206.2.4 Spaces and Elements. At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility which are otherwise connected by a circulation path unless exempted by 206.2.3 Exceptions 1 through 7.

402.2 Components Accessible routes shall consist of one or more of the following components: Walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4 and 208.3.1.

**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.

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### MOTIONS

- I move to recommend that the Florida Building Commission approve this request for waiver on the grounds of \_\_\_\_\_.
  - Economic Hardship
  - Historic Nature
  - Technical Infeasibility
  
- I move to recommend that the Florida Building Commission deny this application.
  - No rationale necessary.
  
- I move to recommend that the Florida Building Commission defer this request for waiver to the next meetings of the Council and the Commission for the purpose of allowing the applicant to \_\_\_\_\_:
  - Submit requested information
  - Contact building official or building department
  - Etc.