

A &S Courier International Waiver # 196

Issue: Vertical accessibility mezzanine level.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the mezzanine level. This project is an alteration to an existing 7943 sf office facility which is currently under renovation. The project construction budget for the alteration is \$201,422.00 and however the estimate does not include values for plans nor a building permit allowance. A proposal for the installation of a wheelchair lift system has also been provided at a cost of \$41,150.00. The mezzanine structure was designed to provide 444 sf of storage space and 943 sf of office space. According to the applicant, the office space is not open to the public and is only for private use of the CEO and Manager. According to the registered design professional on the project the occupancy load of the mezzanine structure is low at maximum and they will not exceed 3 occupants at any one time. He also states that the building department is basing occupant load on 100 sf / person which computes to 10 occupants for the offices and 1 occupant for storage. Additionally, the cost of the elevator lift is \$41,150 compared to the total construction cost of \$201,422.00. The applicant is requesting a waiver based on the substantial financial cost of providing accessibility to the mezzanine level which they claim is not proportional to the cost of construction. Note that this matter was previously denied by the Commission pursuant to Council recommendation where the Applicant provided a construction cost estimate in the amount of \$284,046 (including values for plans and building permits) and lift installation estimates in the amounts of \$35,915 and \$32,650, respectively.

Uploaded Documents:

1. Construction Cost Proposal
2. Letter from Licensed Design Professional
3. Construction Plans
4. Lift Cost Proposal

Project Progress: This project is in plan review.

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.