

## 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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### Department of VA Mental Health and Outpatient Clinics - WAV # 462

**Issue:** Accessible parking

**Project Type:** New construction

**Project Progress:** In Plan Review

#### **Project Description:**

The applicant is requesting that the Florida specific accessible parking spaces requirements of Section 502.2 be waived down to the Federal ADA standards. The proposed project is a Department of Veterans Affairs 2-story Mental Health Clinic and Outpatient Clinic Campus with a floor area of 100,000 square feet and 800 total parking spaces, 10% (80) of which must meet the Florida specific requirements for accessible parking spaces of Section 502.2 (see below section 502.2 of the 6<sup>th</sup> Edition (2017) Florida Building Code, Accessibility and the 2010 Standards for Accessible Design. The project estimated construction cost is \$66,000,000. The applicant stated that the construction site is fully maximized and constrained on all sides. As per the Master Site Plan drawing provided, the project site is bounded by private property on the north, private property and environmentally-protected wetlands on the east, a County-protected scenic route and tree canopy area on the south, and a County road on the west. The available site has been maximized to meet project-specific Federal requirements, local zoning requirements and to preserve as many existing trees around the perimeter of the development as possible. As reflected on the drawing provided, 20% (16) of the required accessible parking spaces will meet the Florida accessible parking requirements of section 502.2 "Vehicle Spaces". However, due to the constraints on the developable area as explained above, the request is made with this submittal to allow the remaining (64) accessible parking spaces to meet only the requirements of the Federal ADA standards. The applicant alleges that the hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

#### **Uploaded Documents:**

1. Owner Authorization
2. Licensed Design Professional Comments
3. Plans/Pictures

#### **STAFF RECOMMENDATION:**

Staff recommends denying the request for waiver from the Florida accessible parking requirements based on the fact that the project is new construction, and because the Commission has no authority to waive the specified requirements.

#### **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

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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.

### 6<sup>th</sup> Edition (2017) Florida Building Code, Accessibility

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.

208.2.1 Hospital Outpatient Facilities. **Ten percent of patient** and visitor parking spaces provided to serve hospital outpatient facilities shall comply with 502.

502.2 Vehicle Spaces. Each parking space must be **at least 12 feet** (3658 mm) wide, shall be marked to define the width, and shall have an adjacent access aisle complying with 502.3. See section 406.5 curb ramp location.

### 2010 Standards for Accessible Design (ADA)

502.2 Vehicle Spaces. Car parking spaces **shall be 96 inches (2440 mm) wide minimum** and van parking spaces shall be 132 inches (3350 mm) wide minimum, shall be marked to define the width, and shall have an adjacent access aisle complying with 502.3.

#### 553.512 Modifications and waivers; advisory council.— Florida Statutes

(1) The Florida Building Commission shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal

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accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council. The commission shall establish by rule a fee to be paid upon submitting a request for a waiver as provided in this section. Notwithstanding any other provision of this subsection, if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted. **The commission may not consider waiving any of the requirements of s. 553.5041 unless the applicant first demonstrates that she or he has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith. Further, the commission may not waive the requirement of s. 553.5041(5)(a) and (c)1. governing the minimum width of accessible routes and minimum width of accessible parking spaces.**

Field Code Changed

Field Code Changed

**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.

### 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.