

Request for a Waiver From the Requirements of Vertical Accessibility From the FACBC

Presented By:

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Dr. Stern Lab/Warehouse Project– Miami, Florida

Waiver Availability From the FACBC by the Florida Building Commission

- 553.512 Modifications and Waivers - Advisory Council
- 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 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.**



Requirements of the Florida Statutes – 553.509 (FACBC)

- 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.



Requirements of the Florida Statutes – 553.509 (FACBC)

- (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.



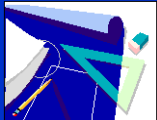
Requirements of Title III 28 C.F.R. s. 36.403(f)(1)

- **36.403(f)(1) (f) Disproportionality**
- (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.



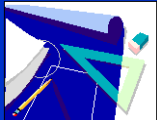
Facts for Dr. Stern Lab/Warehouse Project Miami, Florida

- The project is an alteration to an existing warehouse with the addition of a mezzanine area for storage and some alterations to the first floor; including but not limited to creating an accessible unisex toilet room for the facility.



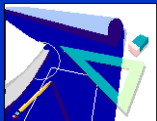
Requirements of the Florida Statutes – 553.509 (FACBC)

- The following is the issue at hand -
- **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.**



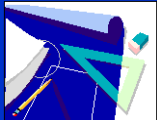
Facts for Dr. Stern Lab/Warehouse Project Miami, Florida

- The AHJ's determination is that since the square footage of the mezzanine area exceeds 500 square feet, that vertical accessibility is required.
- Florida State Statute states, pursuant to section 553.509(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.
- There is NO limit/requirement related to square footage area; the requirement is based upon number of people.



Facts for Dr. Stern Lab/Warehouse Project Miami, Florida

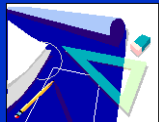
- Pursuant to section 553.509(c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths. **This area will not be open to the public and will not serve more than 5 people.** In addition the majority of the space will be for storage. Therefore, to the extent required a waiver shall be granted due to the interpretation of the AHJ to require vertical access and not considering this exception within the statute.



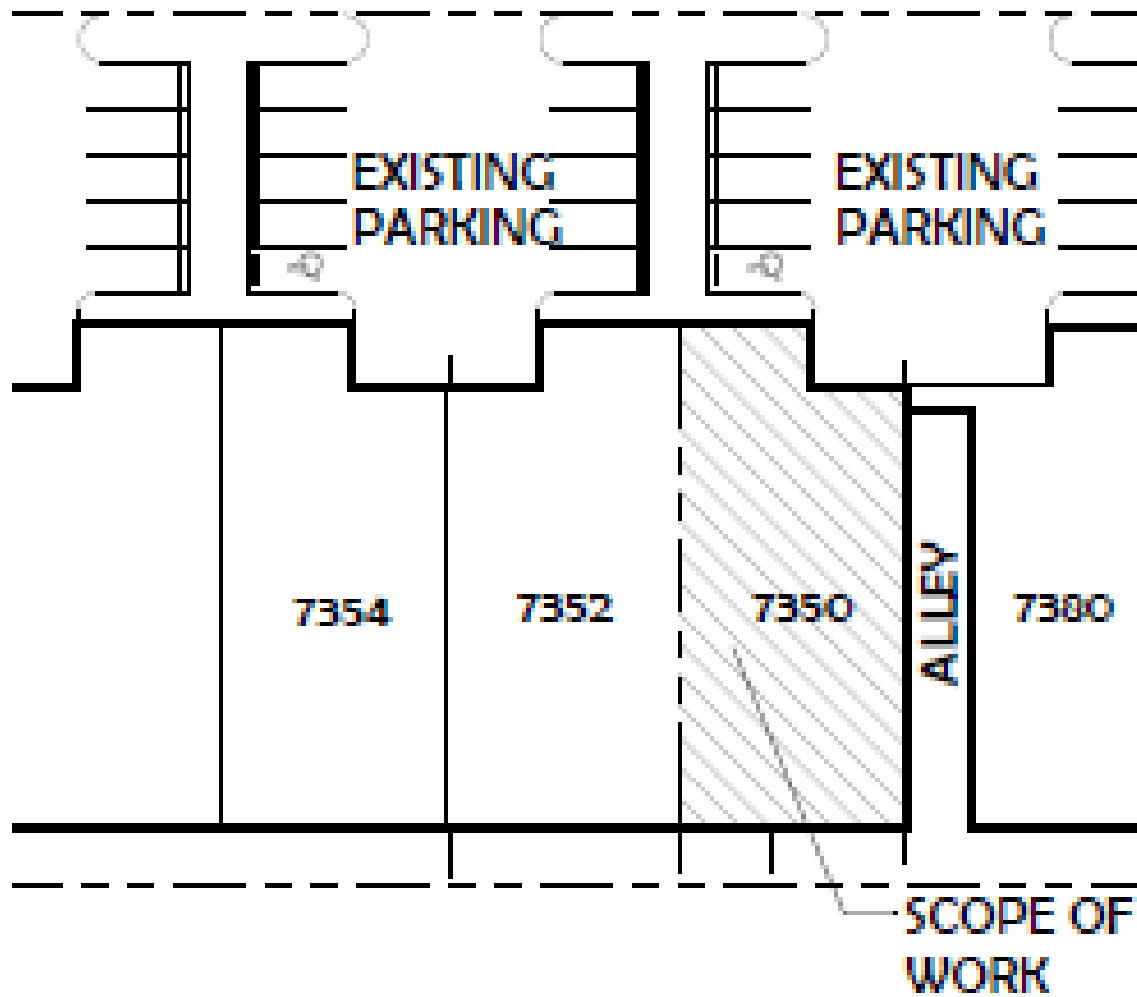
Facts for Dr. Stern Lab/Warehouse Project Miami, Florida

- The cost of this project is \$91195 as indicated in the building cost breakout as provided by the contractor and subcontractors doing the work.

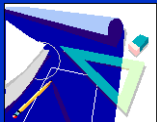


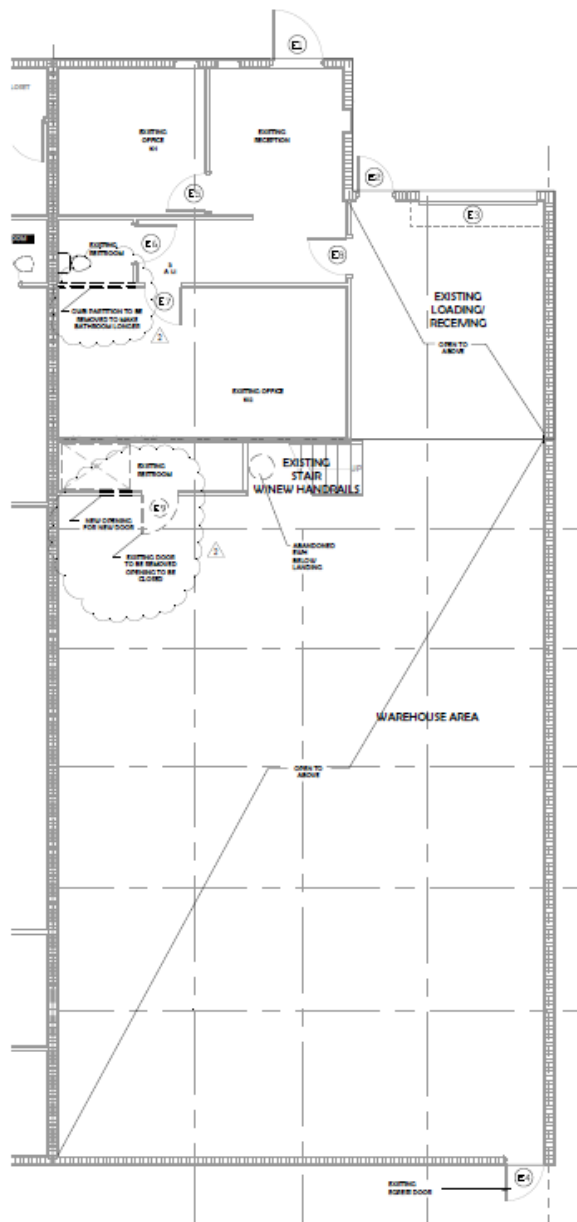


NW 34th STREET

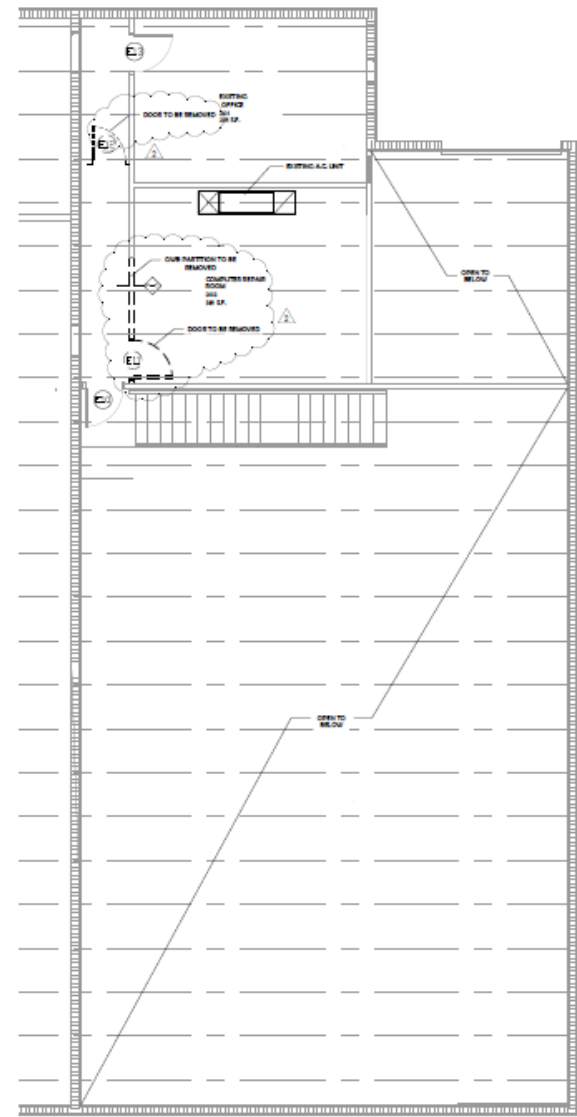


SCALE: N.T.S.

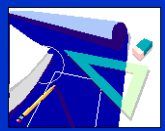


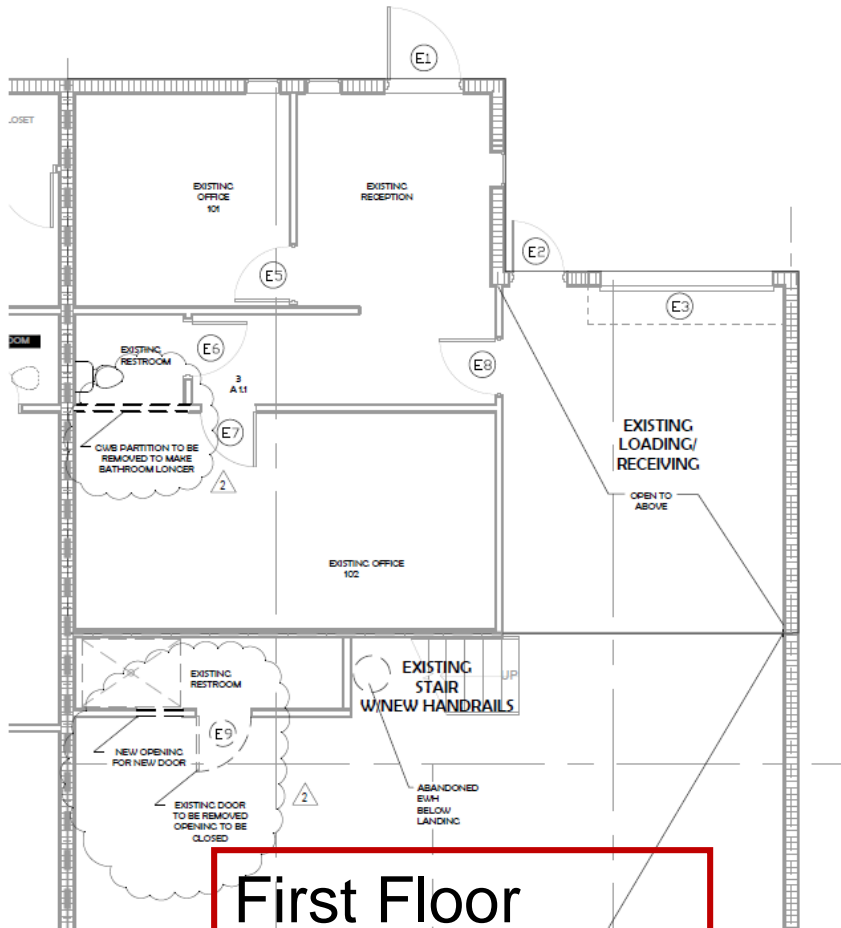


1 | EXISTING / DEMO PLAN - FIRST FLOOR
SCALE 3/16" = 1'

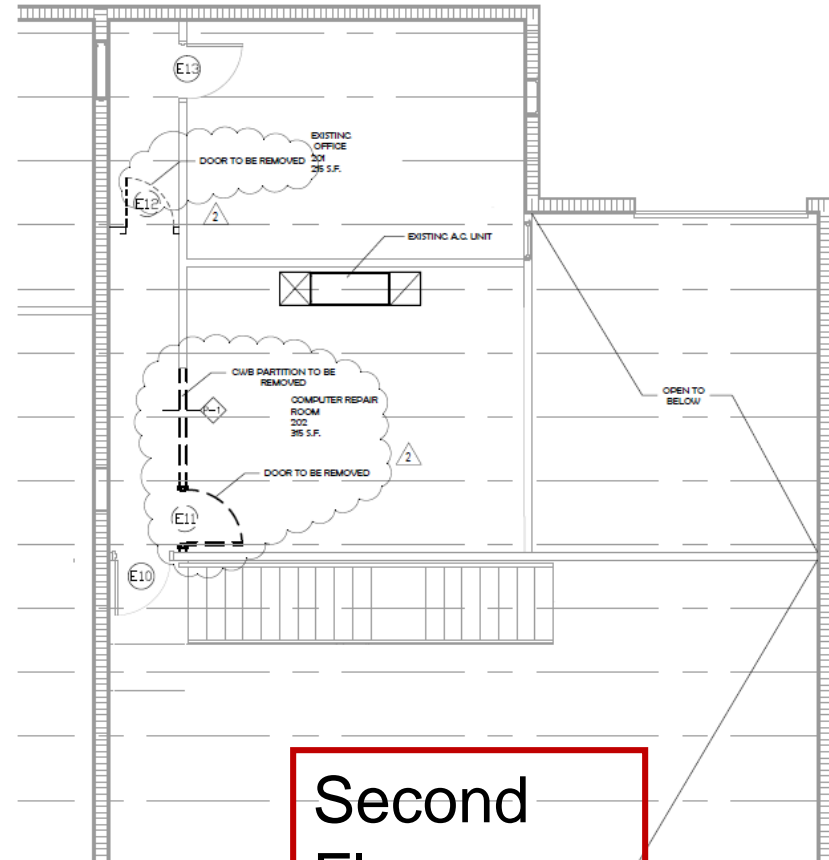


2 | EXISTING / DEMO PLAN - SECOND FLOOR
SCALE 3/16" = 1'





**First Floor
Warehouse Bay**



**Second
Floor
Open Area**

40'-0¹/₁₆"

E1

EXISTING OFFICE 101

EXISTING RECEPTION

10'-5¹/₁₆"

16'-0⁷/₈"

E5

E2

E3

E6

E8

3 A11

E7

NEW WALL

EXISTING LOADING/RECEIVING

29 Ft.

OPEN TO ABOVE

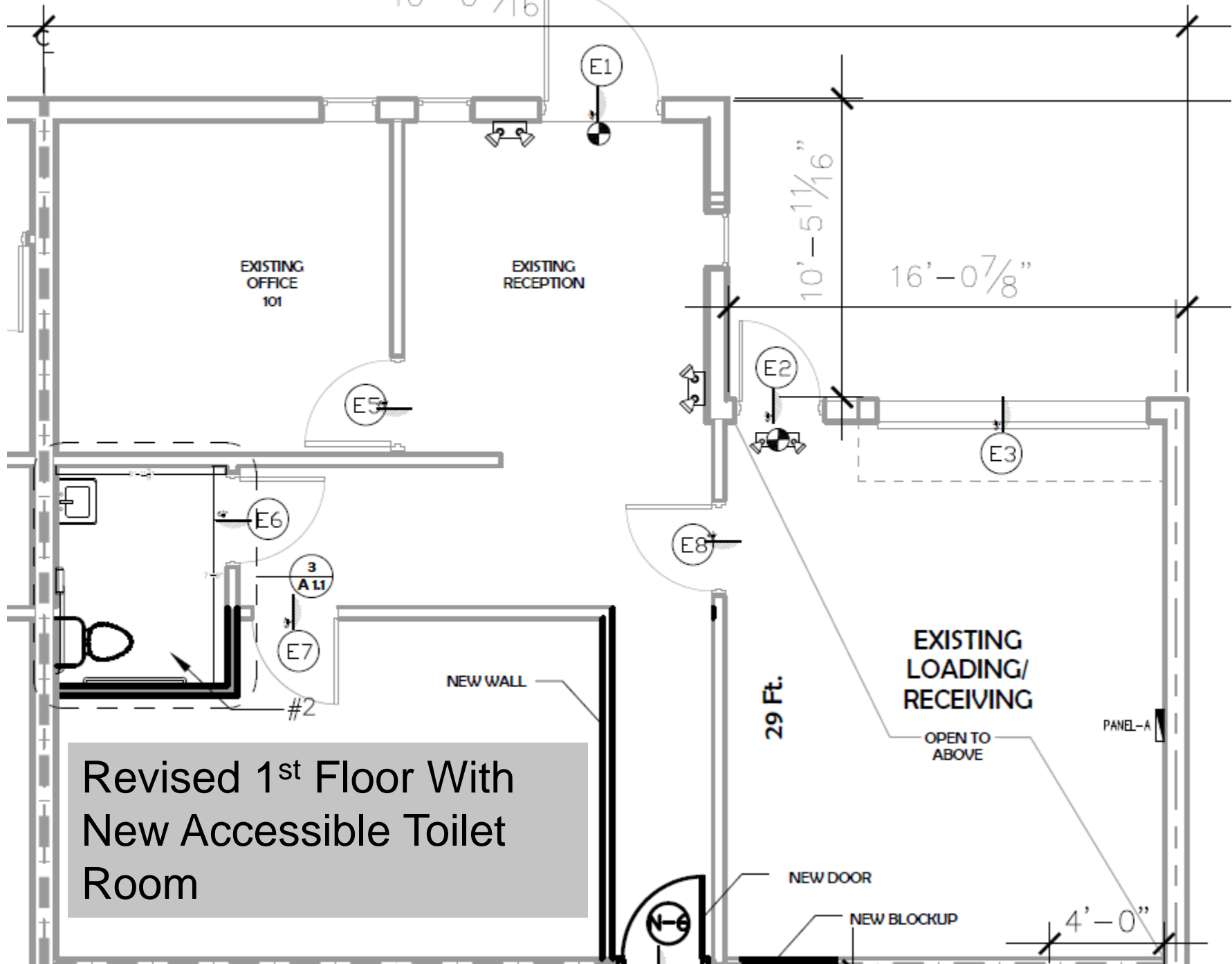
PANEL-A

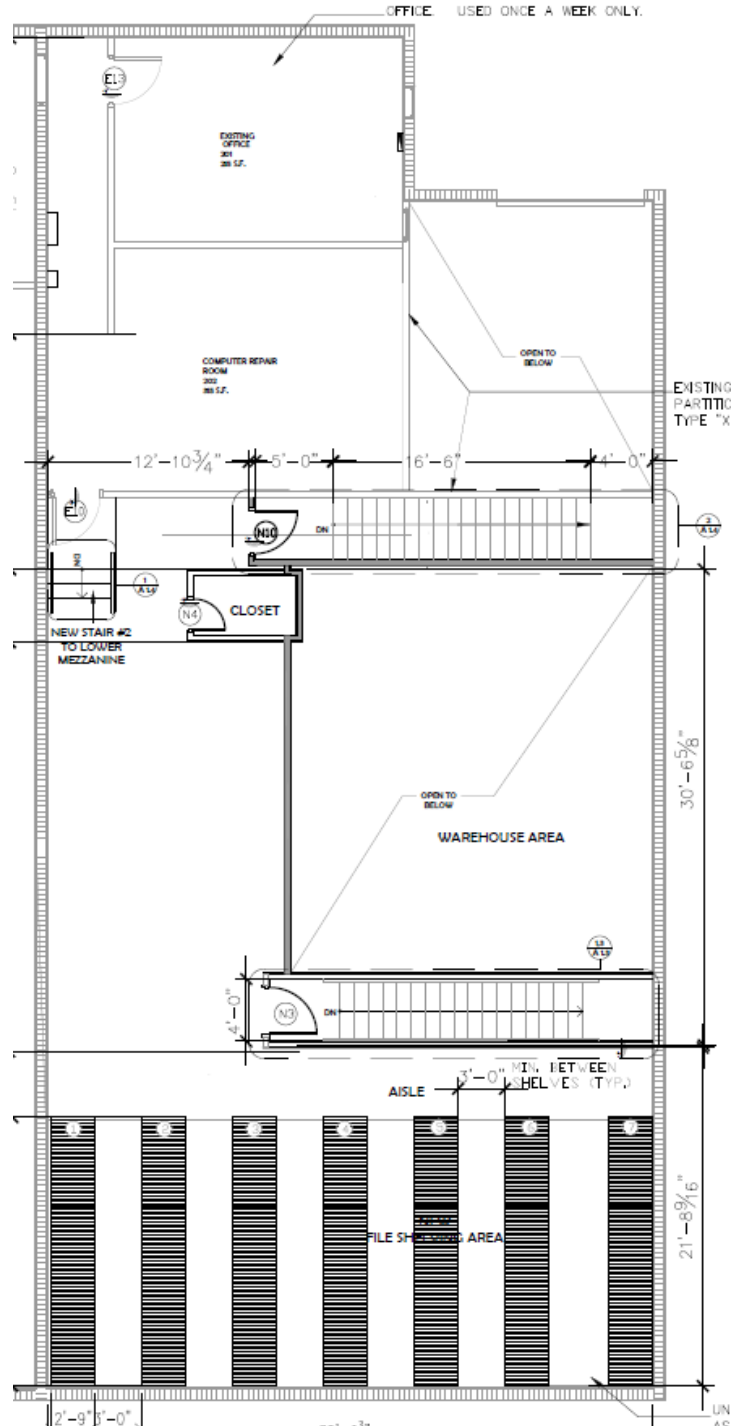
Revised 1st Floor With New Accessible Toilet Room

NEW DOOR

NEW BLOCKUP

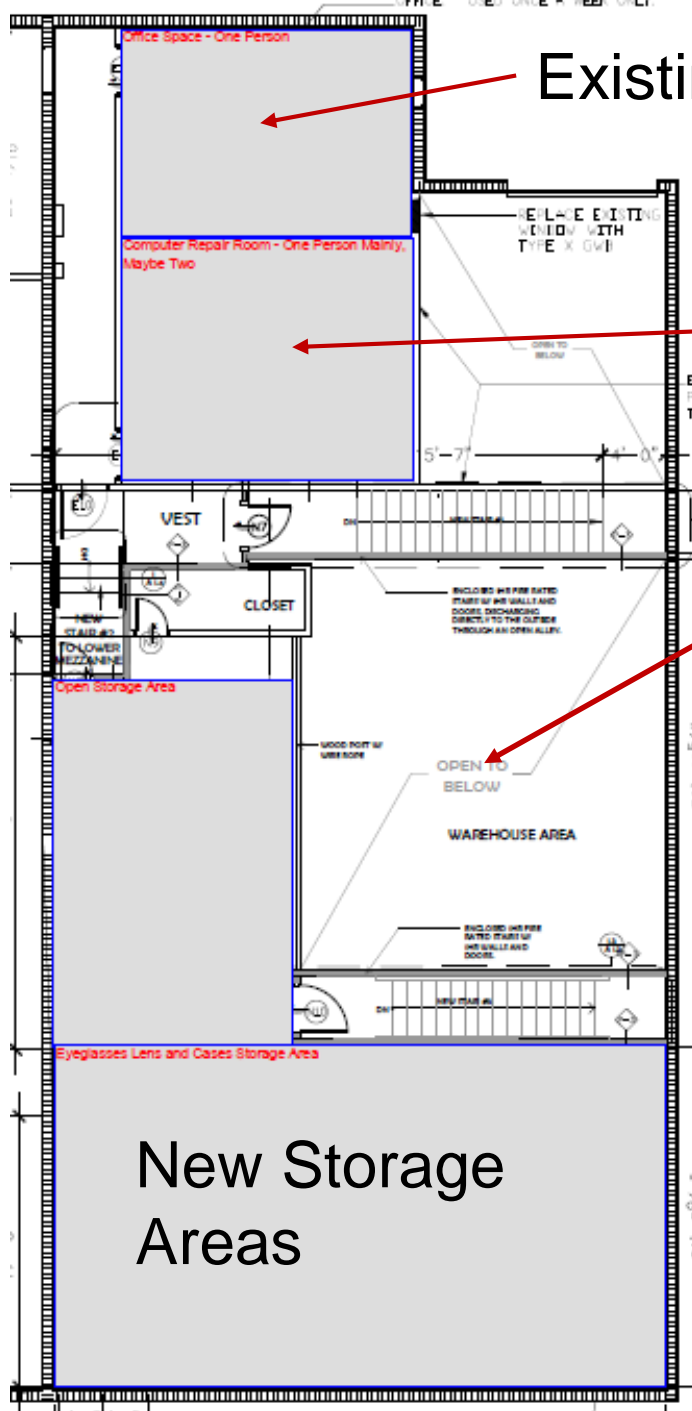
4'-0"





Revised
Second
Floor Area





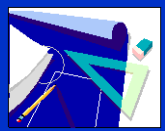
Existing Office

Existing Computer Repair Room

Open to Below

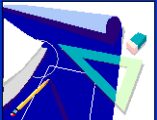
Maximum Use By Three Staff/Office Personnel

New Storage Areas



Facts for Dr. Stern Lab/Warehouse Project Miami, Florida

- Pursuant to section 553.509(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. **This area will not be open to the public and will not serve more than 5 people (only three).** In addition the majority of the space will be for storage. Therefore, to the extent required a waiver shall be granted due to the interpretation of the AHJ to require vertical access and not considering this exception within the statute.



Waiver Request From the FACBC by the Florida Building Commission for Dr. Stern Lab/Warehouse Project Miami, Florida

- Questions
- Thank You

