

## 2700 Biscayne Blvd WAV #165

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

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor. The project consists of the repair of 5 restrooms, mechanical, plumbing, and electrical updates to a 2 story 7,965.96 sf commercial building. This project also includes the construction of new interior partitions, exterior finishes and new disabled parking. The applicant has provided a total construction cost estimate \$45,000.00 for this project. The applicant has also provided proposals for the construction of elevators at a cost of 68,100.00, and \$43,500.00 respectively. According to the applicant's registered design professional the portion of the work dedicated to upgrading the accessibility includes remodeling of five bathrooms and installation of one hi-low drinking fountain, with a cost between \$9,000 and \$18,000 which is between 20% and 40% of the total job value. Furthermore, the applicant's registered design professional states that "As per the two attached estimates the cost of the elevator lift only is \$43,500 and \$68,100 which is between 96.7% and 151% of the overall cost of the job to be performed." The applicant is requesting a waiver based on the substantial economic hardship of providing accessibility to the second floor.

### Uploaded Documents:

1. Elevator Construction Cost Proposals
2. Construction and Site Plans
3. Letter from Licensed Design Professional
4. Project Construction Cost Proposal
5. Owner authorization letters

**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.