

Arede Construction Office Remodeling WAV #181

Issue: Vertical accessibility to the second floor.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor. The project consisted of the conversion of a mezzanine into a second floor for office and storage use in a 8,203 two story office building. The applicant provided an estimate from 2007 for the total construction cost of \$105,000 for the work which was completed without a building permit. The owner has hired an architect to modify the remodeling work in those parts that do not comply with code. The applicant has provided a cost estimate for the installation of a lift and enclosure of \$42,000, where the lift price is \$28,000 to provide accessibility to the second floor. The applicant states that there are accessible accommodations for all functions of the building on the first floor. Furthermore, the applicant asserts that the cost of providing a lift would be onerous at \$42,000 and that it is almost impossible to find a company that provides lifts in Miami, Florida. The applicant further asserts that cost of providing a lift which is \$42,000 is more than 30% of the cost of the entire remodeling work. The applicant is requesting a waiver based on the substantial economic hardship of providing accessibility to the second floor.

Uploaded Documents:

1. Lift Construction Cost Proposal
2. Construction and Site Plans
3. Letter from Licensed Design Professional
4. Project Construction Cost
5. Comments from Building Official

Project Progress: This project is has been completed.

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.