

Vapiano Doral Restaurant Waiver #217

Issue: The applicant is requesting a waiver for vertical accessibility for the mezzanine dining area.

Analysis: Vapiano Doral is a 9,030 sf new restaurant fit-out in the City Place Doral shopping center located on the second floor of the retail center. This project includes the main floor area of 5,710 sf, a separate 2,000 sf storage area, a 420 sf mechanical room, a 900 sf mezzanine dining area, as well as additional outdoor seating. The applicant has provided a construction cost estimate of \$650,000 from Ocean Contractors who also stated that per a conversation with their elevator subcontractor they anticipate the total cost of adding an elevator to the mezzanine level to be approximately from \$80,000 to \$90,000 including structural reinforcement of the floor below and electrical service. The applicant states that the cost of a new elevator would exceed 20% since the existing second floor retail slab is not designed to carry the load of an elevator and therefore structurally impractical. The applicant is seeking a waiver based on a hardship that is caused by a condition or set of conditions that do not affect owners in general.

Uploaded Documents:

1. 2011 Waiver Application Final Order
2. 2011 Facilitator's Waiver Summary
3. Restaurant Photos
4. Project Furniture Plans
5. Project Construction Cost and Elevator Cost Estimate
6. Owner authorization letter
7. Design Professional Letter
8. Section 206.2, FACBC
9. 2011 Construction Contract: Previous Project

Project Progress: This project is currently 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.