

184 NE 50 Terrace Restaurant - WAV # 202

Issue: Vertical accessibility to the upper levels.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the upper levels. This is an alteration to a 2 story restaurant with 1,950 square feet. The first floor has indoor and outdoor dining; the second floor mezzanine is an employee area and a roof top with an outdoor terrace dining area. The proposed alteration consists of ADA compliant doors, accessible bathrooms, ADA parking, tile, concrete restoration and plaster/stucco patching. The project construction budget for the alteration is \$97,000.00. Applicant submitted a letter from the General Contractor for the project at issue stating that \$24,250 of the construction budget has been dedicated to accessible features. An estimate of \$52,649.00 for a LULA was submitted. Applicant asserts substantial financial costs will be incurred by the owner if the waiver is denied.

Uploaded Documents:

1. Licensed Design Professional
2. Plans/Pictures
3. Cost for Compliance
4. Construction Cost
5. General Contractor Letter

Project Progress:

This project is under construction and is an alteration to an existing building.

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.