ACCESSIBILITY ADVISORY COUNCIL

GROUNDS FOR APPROVAL

- **Economic Hardship**

  o Does the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration to the primary function area?

  o If the 20% threshold is met, the waiver SHALL be granted.

  o Does not apply to new construction.

    ▪ Fit-outs/Build-outs are considered new construction

- **Historic Nature**

  o Has the applicant provided documentation of the historic significance of the building?

  o Would the historic significance of the structure be negatively impacted by the alterations applicant would have to make to provide accessibility?

  o Can be combined with Technical Infeasibility or Economic Hardship

- **Technical Infeasibility**

  o Is the structure built in a way that would otherwise place unnecessary, unreasonable, or extreme hardship on the applicant, if they were required to provide accessibility?

    ▪ Has the applicant provided comments from a licensed design professional?

    ▪ Would have to rebuild, demolish, encroach on property lines, etc.

ACCESSIBILITY ADVISORY COUNCIL

Norman J Clement Community Center - WAV # 334

Issue: Vertical accessibility to the second floor.

Project Type: Alteration to an existing building or facility

Project Progress: Under Design

Compliance estimate + Amount spent on accessible features: $129,000 + $ 39,043= $168,043

Project Construction Cost + Construction Cost Over Past 3 Years:
$$\$182,950 + 75,000 = \$257,950$$

Economic Hardship Threshold:

$$\frac{168,043}{257,950} = 65\%$$

Analysis:
The applicant is requesting a waiver from providing vertical accessibility to the second floor of a community center with a floor area of 4,000 square feet. The existing building was originally a fraternity house and now being converted into a community center. On the first Floor or ground floor there is a large room for assembly, two restrooms, break room and mechanical room. The services provided on the second floor or main level are mainly administration offices for the board members, break room, ADA restrooms and a large space for assembly. Each floor can be accessed from outside. The project cost is $182,950 for the alteration with $39,043 towards accessibility. In the past three years $75,000 was spent on 2 ADA restrooms, finishes for the ground floor, new mechanical system, one ADA parking space and an accessible route for the ground floor only. The alteration will consist of interior framing, electrical, plumbing, new finishes, fixtures and windows. The applicant has submitted two cost estimates of $129,000 and $159,100 for an elevator and the associated cost for installing the elevator. The applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.

Uploaded Documents:

1. Owner Authorization
2. Construction Cost
3. Cost for Compliance
4. Licensed Design Professional Comments
5. Plans/Pictures

STAFF RECOMMENDATION:

Staff recommends granting the request for waiver for vertical accessibility on the grounds of economic hardship.

ACCESSIBILITY ADVISORY COUNCIL

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.

ACCESSIBILITY ADVISORY COUNCIL

<u>MOTIONS</u>

- I move to recommend that the Florida Building Commission approve this request for waiver on the grounds of _____.

    - o Economic Hardship
    - o Historic Nature
    - o Technical Infeasibility

- I move to recommend that the Florida Building Commission deny this application.

    - o No rationale necessary.

- I move to recommend that the Florida Building Commission defer this request for waiver to the next meetings of the Council and the Commission for the purpose of allowing the applicant to _____:

    - o Submit requested information
    - o Contact building official or building department
    - o Etc.