

ACCESSIBILITY ADVISORY COUNCIL

GROUNDS FOR APPROVAL

- **Economic Hardship**

- Does the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration to the primary function area?
- If the 20% threshold is met, the waiver **SHALL** be granted.
- Does not apply to new construction.
 - Fit-outs/Build-outs are considered new construction

- **Historic Nature**

- Has the applicant provided documentation of the historic significance of the building?
- Would the historic significance of the structure be negatively impacted by the alterations applicant would have to make to provide accessibility?
- Can be combined with Technical Infeasibility or Economic Hardship

- **Technical Infeasibility**

- 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.

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Bodega Taqueria y Tequila - WAV # 503

Issue: Vertical accessibility to mezzanine level

Project Type: Alteration to an existing building or facility

Project Progress: Under Design

Compliance estimate + Amount spent on accessible features: \$145,782

Project Construction Cost + Construction Cost Over Past 3 Years: \$476,695

Economic Hardship Threshold: $145,782/476,695 = 31\%$

Analysis:

The applicant is requesting a waiver from providing vertical accessibility to the mezzanine level of an existing restaurant with 1900 square feet. The proposed project consists of modification to the 1st floor which will include alteration to the dining area and the kitchen and the construction of two new fully accessible toilet rooms, an office space for the manager and a corridor for access to the toilet rooms as well as access to exterior patio for additional bar/dining area. In addition, the existing mezzanine will be modified to allow for one bar with minimal seating. According to the applicant, all food service and pickup will occur on the first floor. The project estimated construction cost is \$476,695 with \$107,067 towards accessibility. The applicant has submitted two cost estimates for compliance for vertical access to the mezzanine level which have total amounts of \$38,715 and \$45,765 for installation of an ADA lift and its associated costs. The applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.

Uploaded Documents:

1. Elevator Cost Estimates
2. Larry Schneider Letter
3. Plans/Pictures
4. Project Construction Cost Estimate
5. Applicant's Registered Design Professional Letter
6. Project Scope of Work

STAFF RECOMMENDATION:

Staff recommends granting the request for waiver for vertical accessibility on the grounds of Economic Hardship.

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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.

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MOTIONS

- I move to recommend that the Florida Building Commission approve this request for waiver on the grounds of_____.
 - Economic Hardship
 - Historic Nature
 - Technical Infeasibility

- I move to recommend that the Florida Building Commission deny this application.
 - 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_____:
 - Submit requested information
 - Contact building official or building department
 - Etc.