

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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Precision Dermatology - WAV # 442

Issue: Vertical accessibility to the second floor.

Project Type: Alteration to an existing building or facility

Project Progress: Under Design

Project Description:

The applicant is requesting a waiver from providing vertical accessibility to the second floor of a medical office with 3,376 square feet. The applicant would like to expand the current storage attic to a true 2-story area, occupied by 10 administrative office members for private/administrative access only. The project cost is \$236,000 for the alteration and in the past 3 years \$34,000 was spent on removing exposed spray-in insulation in roof trusses. The alteration will consist of interior framing, electrical, plumbing, new finishes and fixtures. The applicant has submitted three cost estimates of \$174,000, \$182,450 and \$183,000 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 Estimates For Compliance
4. Licensed Design Professional Comments
5. Plans/Pictures

STAFF RECOMMENDATION:

Staff recommends denying the request for waiver for vertical accessibility to the second floor of the medical office based on the fact that the project is the office of a health care provider which is therefore not exempt from the ADA requirement to provide vertical accessibility to the second floor. The Commission thus has no authority to waive the specified ADA requirement.

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:

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- (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.

7th Edition (2020) Florida Building Code, Accessibility

106 DEFINITIONS

Professional Office of a Health Care Provider. A location where a person or entity, regulated by a State to provide professional services related to the physical or mental health of an individual, makes such services available to the public. The *facility* housing the “*professional office of a health care provider*” only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

206.2.3 Multi-Story Buildings and Facilities. At least one *accessible* route shall connect each *story* and *mezzanine* in multi-story buildings and facilities.

EXCEPTIONS:

- 1. Reserved.
- 2. Reserved.
- 3. Reserved.
- 4. Reserved.
- 5. Reserved.
- 6. Reserved.
- 7. Reserved.

2010 ADA Standards for Accessible Design

206.2.3 Multi-Story Buildings and Facilities. At least one accessible route shall connect each story and mezzanine in multi-story buildings and facilities. EXCEPTIONS:

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1. In private buildings or facilities that are less than three stories or that have less than 3000 square feet (279 m2) per story, an accessible route shall not be required to connect stories provided that the building or facility is not a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot or other station used for specified public transportation, an airport passenger terminal, or another type of facility as determined by the Attorney General.
2. Where a two story public building or facility has one story with an occupant load of five or fewer persons that does not contain public use space, that story shall not be required to be connected to the story above or below.
3. In detention and correctional facilities, an accessible route shall not be required to connect stories where cells with mobility features required to comply with 807.2, all common use areas serving cells with mobility features required to comply with 807.2, and all public use areas are on an accessible route.
4. In residential facilities, an accessible route shall not be required to connect stories where residential dwelling units with mobility features required to comply with 809.2 through 809.4, all common use areas serving residential dwelling units with mobility features required to comply with 809.2 through 809.4, and public use areas serving residential dwelling units are on an accessible route.
5. Within multi-story transient lodging guest rooms with mobility features required to comply with 806.2, an accessible route shall not be required to connect stories provided that spaces complying with 806.2 are on an accessible route and sleeping accommodations for two persons minimum are provided on a story served by an accessible route.
6. In air traffic control towers, an accessible route shall not be required to serve the cab and the floor immediately below the cab.
7. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, an accessible route shall not be required to stories located above or below the accessible story

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.

MOTIONS

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

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- 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.