

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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5 Points Theater - WAV # 690

Issue: Vertical accessibility to all levels above and below the occupiable grade level.

Project Type: Alteration to an existing building or facility

Project Progress: Under Design

Analysis:

The applicant is requesting a waiver from providing vertical accessibility to all levels above and below the occupiable grade level of a historic theater built in 1926 with 11,795 square feet. The applicant is proposing to convert the theater into a music venue and event space. The project cost is \$1,818,398 for the alteration. The alteration will consist of installing a lift to provide for vertical accessibility from the building's entrance to the occupiable main level of the venue and the newly constructed accessible restrooms, upgrading existing restrooms for compliance with current code requirements, providing a family restroom with an adult changing table, providing a continuous ramp to allow wheelchair users to access all tiered level of the main venue and the stage floor, and reconfiguring the main staircase of the existing mezzanine to provide a clearer and more direct exist path from the mezzanine to the main level. The Architect for the project stated that providing full vertical accessibility to all levels is technically infeasible due to the following constraints:

1. Structural challenges:

- The mezzanine and backstage area consist of multiple sub-levels that do not communicate with each other. Installing elevators or lifts to each level would require extensive structural modifications, to repour and rebuild restrooms and other existing concrete features.
- The restroom sub-level mezzanine and the lower viewing tier are on separate planes, making elevator access impractical without further significant and disruptive alterations.

2. Site limitations:

- The building is bound by adjacent properties on the north and south, with no exterior access from these facades.
- The historic district restrictions prevent the addition of exterior elements, such as an elevator shaft, that would compromise the building's historic character.

3. Hardship:

- Installing an elevator would provide access to only a portion of the space while requiring additional lifts to traverse smaller sub-levels. The cumulative cost, disruption, and structural impacts associated with such measures impose undue hardship on the project.

Further, the architect stated that all items provided on the mezzanine level are also provided at the main level as required by the ADA.

Uploaded Documents:

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1. Construction Cost
2. Licensed Design Professional Comments
3. Plans/Pictures

STAFF RECOMMENDATION:

Staff recommend granting the request for waiver for vertical accessibility to all levels above and below the occupiable grade level on the grounds of technical infeasibility.

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

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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 _____.
 - 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.