

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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Shalimar Beach Resort - WAV # 672

Issue: Vertical accessibility to the second floor.

Project Type: New construction

Project Progress: Under Construction

Project Description:

The applicant is requesting a waiver from providing vertical accessibility to the second floor of 4 duplex buildings of a new two-story hotel with a floor area of 20,930 square feet. The proposed project is a re-developed new hotel with 33 guestrooms being split into raised one "two-story" motel building containing 21 units, four raised "one-story" duplex buildings containing 8 units, one raised "two-story" fourplex building containing 4 units, and an office suite with manager's private residence. The engineer for the project stated that the proposed project was designed to fulfill current building code regulations, including meeting all applicable accessibility requirements. The required accessible rooms will be in the motel building and the fourplex building. All the rooms in the motel building and fourplex building will be accessed via elevators. All common-use facilities and the rooftop observation deck at the motel building will also be fully accessible. The project cost is \$16,241,538.00 for the construction. The applicant stated that additional access to the duplex buildings would not increase the parity of a guest's experience with or without any form of disability." Applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.

Uploaded Documents:

1. Owner Authorization
2. Licensed Design Professional Comments
3. Plans/Pictures

STAFF RECOMMENDATION:

Staff recommends denying the request for waiver for vertical accessibility since the project in question is new construction.

Analysis from February 5, 2024, Accessibility Advisory Council meeting.

Shalimar Beach Resort - WAV # 656

Issue: Vertical accessibility to the second floor.

Project Type: New construction

Project Progress: In Plan Review

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Project Description:

The applicant is requesting a waiver from providing vertical accessibility to the second floor of a new two-story hotel with a floor area of 32,819 square feet. The proposed project is a re-developed new hotel with 33 guestrooms being split into one "two-story" motel building, four duplex buildings, one fourplex building, and an office suite. The engineer for the project stated that the proposed project was designed to fulfill current building code regulations, including meeting all applicable accessibility requirements. The required accessible rooms are located on the first floor of the motel building and the fourplex building, and all common-use facilities are located on the first floor and are accessible. The project estimated cost is \$15.5 Million for the construction. According to the applicant, a total of four elevators will be needed to provide for vertical accessibility throughout the proposed buildings. The estimated cost for the four elevators is \$662,500. Further, the applicant stated that the addition of the required vertical accessibility would create undue financial hardship for the owner, both in the significant up-front cost and in the lifetime, maintenance costs. Applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.

Uploaded Documents:

1. Owner Authorization
2. Licensed Design Professional Comments
3. Plans/Pictures

Actions:

Council: The Council recommended denying the request for waiver for vertical accessibility since the project in question is new construction.

Commission: The Commission denied the request for waiver for vertical accessibility since the project in question is new construction.

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

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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.

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.