

Accessibility Waiver Narrative The Palms NL Condominium Association

The applicant is submitting a waiver request to The Florida Building Commission, as provided by FBC 2014-01, Rule 61G20-4.001, regarding Section 201.1.1 (Vertical accessibility) of the Accessibility section of the Florida Building Code. Section 201.1.1 states that “Elevators are required to provide vertical accessibility to all levels above and below the occupiable grade level.”

The Palms NL Condominium Association, owned by Mr. Michael Gordon and located at 728 SW 81 Avenue North Lauderdale FL 33068 is planning to expand the current development and build new affordable housing units at this site. This is a privately funded project that is not relying on any government subsidies, tax credits, tax abatements, or any other kind of assistance. The project includes 3, two-story buildings, with 5, 3-bedroom units on the ground floor and 5, 3-bedroom units on the second floor, along with a small 400 Square foot community space. The 3 new buildings are consistent in aesthetic and functionality with the existing buildings on the development site.

During our initial conversations with the City of North Lauderdale, the Building Official indicated that an elevator was required for a two-story residential structure. The applicant is respectfully asking for a waiver due to financial hardship. The inclusion of elevators in the planned 3 buildings would make this affordable housing project unaffordable, both due to the additional construction cost and the ongoing elevator maintenance costs.

Florida statute 399.035(2) states that “Any building that is more than three stories high or in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet must be constructed to contain at least one passenger elevator that is operational and will accommodate an ambulance stretcher 76 inches long and 24 inches wide in the horizontal position.” Our proposed buildings are only two stories high and the vertical distance between the bottom terminal landing and the top terminal landing is approximately 10 feet.

While Section 201.1.1 of the Florida Building Code requires elevators to provide vertical accessibility to all levels above and below the occupiable grade level, Florida Building Code Advisory 201.1 states that “Where ADA Standards do not require an accessible route to each and every level, the Florida requirement may be waived down to the requirement of the ADA Standards.”

The American Disabilities Act Title III Regulations, Subpart D – *New Construction and Alterations*, Section 36.401(d)(2) New construction, states that “This section does not require the installation of an elevator in a facility that is less than three stories or has less than 3000 square feet per story”. Our buildings are both less than three stories and less than 3000 square feet per story.

The United States Fair Housing Act, Sec. 804(7). [42 U.S.C. 3604] *Discrimination in sale or rental of housing and other prohibited practices*, states that "As used in this subsection, the term "covered multifamily dwellings" means-- (A) buildings consisting of 4 or more units if such buildings have one or more elevators; and (B) ground floor units in other buildings consisting of 4 or more units. In other words, all ground floor units in buildings without an elevator containing four or more units are covered, while any other units are not.

The applicant is proposing that all first-floor units are ADA accessible, to include the following:

- 1) Accessible building entrance on an accessible route,
- 2) Accessible and usable public and common use areas,
- 3) Usable doors,
- 4) An accessible route into and through the unit,
- 5) Accessible light switches, electrical outlets, thermostats, and other environmental controls,
- 6) Reinforced bathroom walls with grab bars, and
- 7) Kitchens and bathrooms that can be used by people who use wheelchairs.

The requested waiver is consistent with Florida statute and the standards allowed under the American Disabilities Act (ADA) and the Fair Housing Act Accessibility Standards.