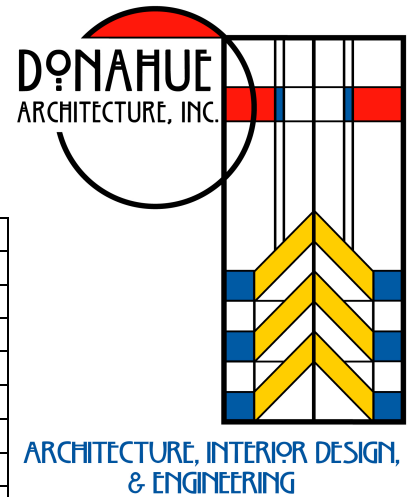


Request for Vertical Accessibility Waiver



TODAY'S DATE:	2/28/2020
COMPANY:	Donahue Architecture, Inc.
ADDRESS:	1202 SW 17 th Street, Suite 201-165
	Ocala, Florida 34472
NAME:	John Donahue
TITLE:	Principal Architect
TELEPHONE:	(352) 867-5148
CELL PHONE:	(352) 875-5518
E-MAIL:	john@donahue-arch.com

Code References

2017 Florida Building Code - Accessibility, Sixth Edition
 Section 201.1, Section 203.8, Section 206.2.3, Section 224.1

Background:

The project at hand is a small two story motel with 20 guestrooms (10 on the first floor and 10 on the second floor) that only require (1) one Accessible room per **FBC Accessibility TABLE 224.2**. The rooms are accessed by an exterior walkway on the first floor and an exterior balcony on the second. The required Accessible Room and all common use facilities are located on the first floor and are accessible. The second floor has an exterior balcony and no (none required) accessible spaces. Based on the points below we believe the code indicates that an elevator would not be required. It does not make sense that we would be required to provide vertical accessibility to an exterior balcony on the second floor that serves no accessible spaces.

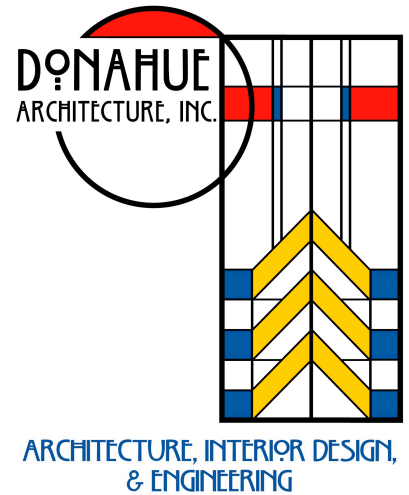
1. **Advisory 201.1.** appears to indicate that if the rooms that are not required to be accessible should not have to comply with 201.1.1

Advisory 201.1 Scope. *These requirements are to be applied to all areas of a facility unless exempted, or where scoping limits the number of multiple elements required to be accessible. For example, not all medical care patient rooms are required to be accessible; those that are not required to be accessible are not required to comply with these requirements. However, common use and public use spaces such as recovery rooms, examination rooms, and cafeterias are not exempt from these requirements and must be accessible.*

Florida vertical accessibility requires all levels in all new buildings, structures and facilities and all altered areas of existing buildings, structures and facilities to be accessible to persons with disabilities. All new and altered areas must comply with the ADA Standards for Accessible Design including requirements for accessible routes. Where the 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.

Mailing Address: 1202 SW 17th Street , STE 201-165
 Ocala, FL 34471
 Phone: 352.867.5148
 Email: john@donahue-arch.com

FL Architecture License #AA26000933
 FL Engineering CA #32147
 FL Interior Design License # IB26000848
 GA Architecture License # RA012362



2. The Motel, as I understand it, is a residential occupancy (**310.3 Residential Group R-1** Motels (transient) and as such doesn't Section 203.8 override the requirements of 201.1.1?

203.8 Residential Facilities.

In residential facilities, common use areas that do not serve residential dwelling units required to provide mobility features complying with 809.2 through 809.4 shall not be required to comply with these requirements or to be on an accessible route.

3. **Advisory 206.2.3 Multi-Story Buildings and Facilities - Exception 4.**

*Where common use areas are provided for the use of residents, it is presumed that all such common use areas "serve" accessible dwelling units unless use is restricted to residents occupying certain dwelling units. For example, if all residents are permitted to use all laundry rooms, then all laundry rooms "serve" accessible dwelling units. However, if the laundry room on the first floor is restricted to use by residents on the first floor, and the second floor laundry room is for use by occupants of the second floor, then first floor accessible units are "served" only by laundry rooms on the first floor. **In this example, an accessible route is not required to the second floor provided that all accessible units and all common use areas serving them are on the first floor.***

4. **Advisory 224.1** also appears to indicate that the Florida requirements of 201.1.1 for vertical accessibility may be waived down to the ADA Standards for transient lodging.

Advisory 224.1 General. *Certain facilities used for transient lodging, including time shares, dormitories, and town homes may be covered by both these requirements and the Fair Housing Amendments Act. The Fair Housing Amendments Act requires that certain residential structures having four or more multi-family dwelling units, regardless of whether they are privately owned or federally assisted, include certain features of accessible and adaptable design according to guidelines established by the U.S. Department of Housing and Urban Development (HUD). This law and the appropriate regulations should be consulted before proceeding with the design and construction of residential housing.*

Florida vertical accessibility requirements of s.553.509, F.S., as incorporated in section 201.1.1 require vertical access to all levels. Florida requirements may be waived down to the ADA Standards requirements.

As I read these references either Advisory 201.1 and 203.8 apply and we do not need to install an elevator or 224.1 applies we are seeking a vertical accessibility waiver.

Sincerely,

John A. Donahue, AIA, NCARB

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Ocala, FL 34471
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