



Collier County
Growth Management Department
Building Plan Review & Inspection Division

October 16, 2019

Florida Building Commission

Cc: Steve Hovland
Sean Lintz, Fire Marshal

Re: Vertical accessibility Waiver - 808 Wiggins Pass Road

To whom it May Concern,

It has been brought to my attention that the Commission has requested a statement regarding the referenced waiver under consideration for the noted code requirement. The building in question resides within the boundaries of Collier County, and as such, being the authority having jurisdiction we offer the following.

FBC – Accessibility Code – Section 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.

Notwithstanding the requirements and exceptions of this section, section 201.1.1 shall apply.

EXCEPTIONS: (1-7 reserved)

Advisory 206.2.3 Multi-Story Buildings and Facilities. Spaces and elements located on a level not required to be served by an accessible route must fully comply with this code. While a mezzanine may be a change in level, it is not a story. If an accessible route is required to connect stories within a building or facility, the accessible route must serve all mezzanines.

Advisory 206.2.3 Multi-Story Buildings and Facilities Exceptions.

Exceptions 1 – 7 are preempted by Florida vertical accessibility requirements of s.553.509, F.S., as incorporated in section 201.1.1. Florida requirements may be waived down to the ADA Standards requirements.

Note: The following Advisories on the Exceptions to 206.2.3 are provided for consideration when waiving Florida Vertical Accessibility requirements down to ADA Standards for Accessible Design.

Advisory 206.2.3 Multi-Story Buildings and Facilities Exception 1. Note that Exception 1 as presented in the 2004 ADAAG must also comply with the elevator exemption criteria of 28 CFR 36.401(d). The elevator exemption is authorized by 28 CFR 36.401(d) and applies only to private entities governed by Title III but not to public entities governed by Title II and 28 CFR,



Part 35. Note also that 28 CFR 36.401(d)(2) and (3) provide specific criteria expanding on the criteria of Exception 1 that must be considered in a waiver of Florida vertical accessibility.

Per 2004 ADAAG Section 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. 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.

The building in question is only two stories and the second floor has less than 3,000 square feet in area. Therefore, as the acting Building Official for Collier County I concur with the design professional and support the State of Florida approving a waiver to the elevator requirements of the Florida Building Code, Accessibility section 206.2.3 in this specific case with the following noted stipulations.

This no objection statement has the following stipulations:

- Only applies to the current configuration of the second floor being used by one tenant.
- Any proposed change to said configuration will require the installation of an elevator.
- The designated shaft for said elevator may not be repurposed into anything else.

Sincerely,

Jonathan Walsh, PE, CBO
Chief Building Official