

## **Around the Clock Fitness WAV# 118**

**Issue:** Vertical accessibility to the second floors.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor. This is an alteration to an existing building. Conversion of a former fitness center (L A Fitness) into a new fitness center and are adding a 9,922 sf exercise mezzanine at the front and at the rear, converting an existing 3,935 sf mezzanine into a second floor exercise area. Whereas this existing building currently has a mezzanine (with no accessible vertical access), the roof is not constructed at an elevation that allows the installation of a conventional elevator or LULA under the roof. A second mezzanine is included in the renovation and neither a conventional elevator or LULA will fit. We therefore request to be allowed to install two platform lifts (the mezzanines are not connected) to provide access. Due to the nature of the facility few if any wheelchair bound persons would ever need access to the upper levels since even more of the exact same type facilities are provided on the ground floor. The project construction budget for the alteration is \$750,000. The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

### **Project Progress:**

This project is in plan review.

### **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 for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.