

Elestial Sound Studios Waiver #187

Issue: The applicant is requesting a waiver from providing vertical accessibility to the studios on the second floor.

Analysis: Celestial Sound Studios is an art studio building project which will be located in Gainesville, Florida. This 2 story 2880 sf new construction project consists of five private individual artist studios, restrooms, and a shared lounge which will all be housed in buildings made from shipping containers. The applicant has provided an estimate without vertical accessibility features from Hudd Construction at a cost of \$254,584.88 for the construction of phase 1 and phase 2 of this project. Hudd Construction has also provided cost estimates for the construction of an elevator at a cost of \$110,391.00 and an estimate for the construction of a platform lift at a cost of \$25,921.00. In addition to the previous estimates the applicant has also provided an estimate for the construction of an elevator from ThyssenKrupp at a cost of \$52,313.00 which excludes the cost of elevator shaft construction and an estimate for the construction of a platform lift from 101 Mobility at a cost of \$15,737.35. According to the applicant, this is a unique project, not only because of its construction material, shipping containers, but because it is as much a site based sculpture as it is a building. The applicant asserts that having second floor spaces is necessary for this design to work. The applicant states that the configuration of the overlapping and hinging containers among the trees in the site creates a purposeful spatial composition that satisfies the requirements for art studios while also being art. Furthermore, the applicant states that if this waiver is not granted the owner will be forced to remove the second floor containers leaving the project incomplete in concept and reality. The applicant is requesting a waiver based on substantial financial cost of providing vertical accessibility and based on a hardship that is caused by a condition or set of conditions that do not affect owners in general.

Uploaded Documents:

1. Vertical Platform Lift Construction Estimate
2. Elevator Construction Estimate
3. Project Drawings
4. Letter from Registered Design Professional
5. Total Construction Project Cost Estimate With and Without Accessibility Features

Project Progress: This project is currently in plan review/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 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.