

The Galleria at Downtown Fort Pierce WAV #222

Issue: Vertical accessibility to the second floor.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor. The project consists of the painting and cleanup of a 509 sf existing Professional Office Space on the 2nd floor over a restaurant space on the 1st floor. The applicant provided a cost of \$800.00 for the painting and cleanup of space 108 which was done in house on their application. During the past three years a construction cost of \$12,000.00 has been spent on alterations, clean up, and change of use from professional to retail on the ground floor. According to the applicant, space 108 is on the 2nd floor with steps leading to the space and is not ADA compliant. Furthermore, the applicant stated, architecturally and structurally there is no feasible way to create vertical access due to the existing structure. According to the applicant's registered design professional, the spaces in question were built before enactment of accessibility requirements and due to space limitations, floor level differences, and the prohibitive expense involved the owner is requesting a waiver of these requirements. The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

Uploaded Documents:

1. Stairwell pictures
2. First Floor Renovation Plan
3. Letter from Licensed Design Professional
4. View of Project Space

Project Progress: This project has been completed.

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.