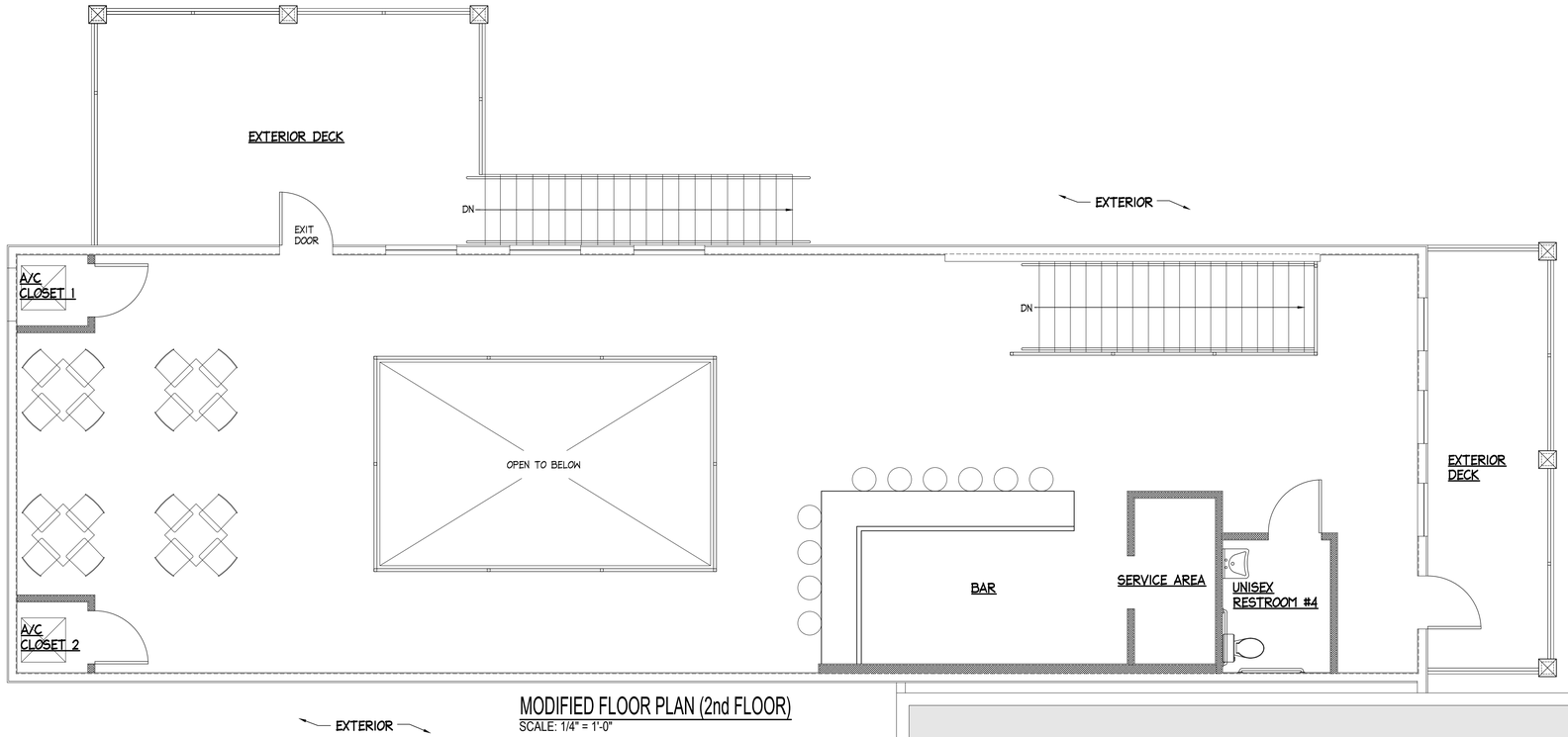
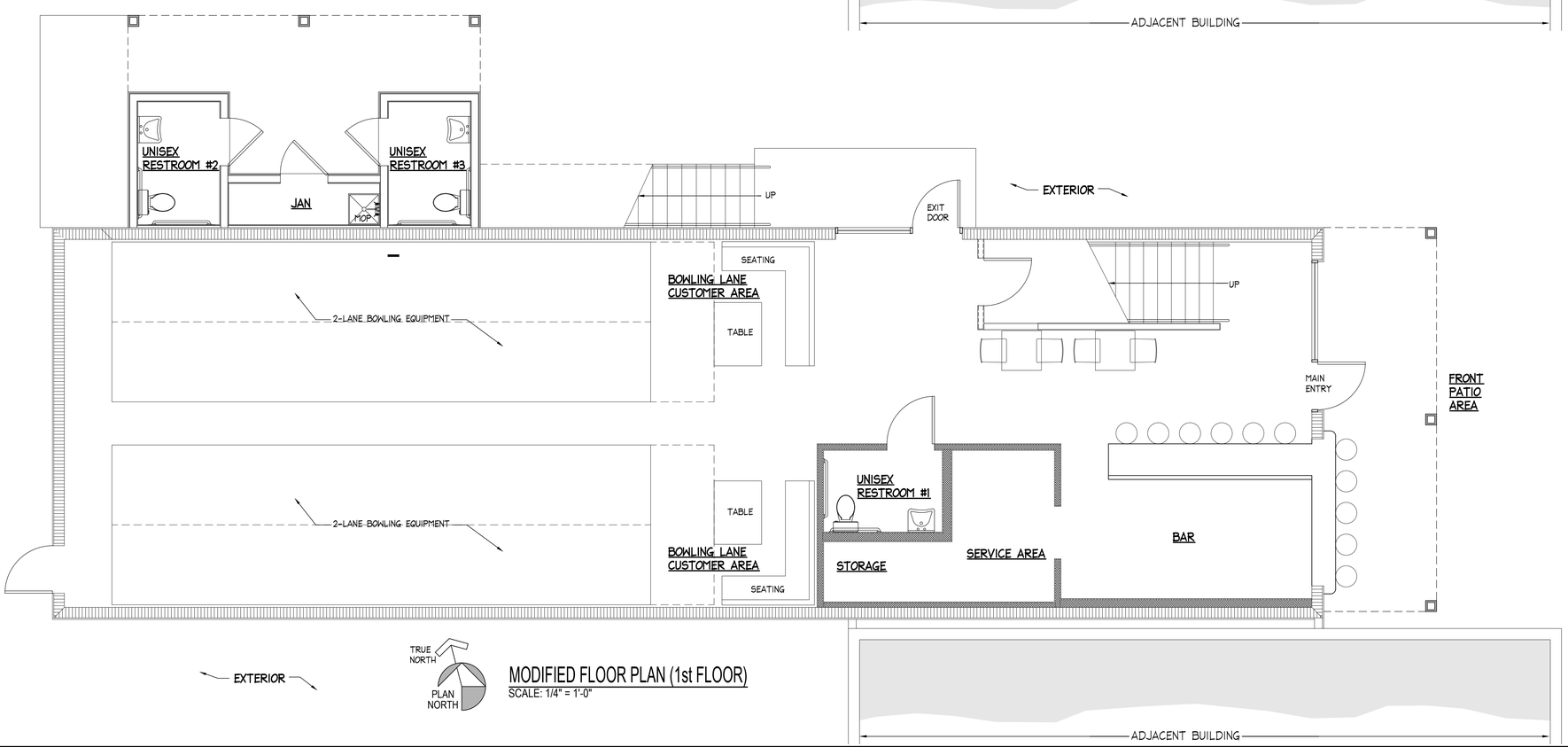


MODIFIED FLOOR PLAN (2nd FLOOR)
SCALE: 1/4" = 1'-0"



MODIFIED FLOOR PLAN (1st FLOOR)
SCALE: 1/4" = 1'-0"

§ 36.404 Alterations: Elevator exemption.

(a) This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story, except with respect to any facility that houses 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, or an airport passenger terminal.

(1) For the purposes of this section, "professional office of a health care provider" means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility that houses a "professional office of a health care provider" only includes floor levels housing by at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(2) For the purposes of this section, shopping center or shopping mall means –

(i) A building housing five or more sales or rental establishments; or

(ii) A series of buildings on a common site, connected by a common pedestrian access route above or below the ground floor, that is either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodation of the types listed in paragraph (5) of the definition of "place of public accommodation" in § 36.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

(b) The exemption provided in paragraph (a) of this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the accessible ground floor must be accessible regardless of whether the altered facility has an elevator.

this design understands this section will require that the new second floor restroom must be designed to be fully "accessible" even in the absence of elevator access.

Hiatt Architecture

2.16.21

Subject: Waiver #509-RO

To Whom it May Concern:
This letter is provided in connection with the above referenced Waiver application. In accordance with "*Licensed Design Professional Comments*", item #11, please accept the below comments regarding "grounds for waiver" as my (the architect's) comments.

Grounds for Waiver
This application is based on the following conditions:

1. *ADA Title III Part 36*: The project qualifies for an elevator exemption under ADA Title III, Part 36 NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES. Section 36.404 Alterations: Elevator Exemption, par.(a) states…."This section does not require the installation of an elevator *in an altered facility that is less than three stories or has less than 3,000 square feet per story*, except with respect to any facility that houses 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, or an airport passenger terminal." This application's subject facility is BOTH less than three stories AND has less than 3,000 square feet per story, and none of subsequent stated exceptions apply to this subject facility.
2. *Building Official censorship*: During a meeting at the project site between the owner and the local building official the owner indicated that we intended to make a case for not having to install an elevator based on Florida Accessibility Code section 202.4.1 Disproportionate Cost. During that meeting the Building Official advised the owner that he would not accept the "Disproportionate Cost" argument and the only way to evade installation of a lift or elevator would be to obtain a waiver from the State of Florida. As a result of that encounter we (owner and architect) did not pursue preparation of documentation to support "Disproportionate Cost" any further, as the Building Official made it clear those efforts would be a waste of time. Instead, we now seek a waiver through this application.
3. *Technical Infeasibility*: This existing building is to be repurposed into an "entertainment" establishment with 4 new Duckpin bowling lanes at ground floor. "Duckpin" bowling is a recent trending entertainment concept that utilizes smaller bowling balls and "plug-and-play" equipment and lanes that are much smaller than conventional bowling, making this format viable in buildings with smaller footprints that would not otherwise be able to accommodate a bowling concept. Due to the limited available ground floor footprint the introduction of a lift or elevator would require an amount of floor area that would then significantly compromise available space for other features of the planned project, including a bar and accessible restrooms. And although official cost estimates and documentation have not been obtained in preparation of a case for "Disproportionate Costs" (see Building Official censorship paragraph above), it is worth noting that installation of a lift or elevator would require structural modifications at both the ground floor slab and the second floor framing systems to the extent that it is highly likely the total cost to accommodate a lift or elevator would exceed 20% of the $250,000 construction budget. In consideration of the desired building program, it is our opinion these things combined make installation of a lift or elevator technically infeasible**.
4. *Primary Use and Function*: The Primary Use and Function of this proposed facility is "entertainment". The main feature of the program is the ground floor bowling lanes. The ground floor will also have a full-service bar, indoor seating, and direct access to outdoor seating areas. The second floor will provide a second full-service bar with indoor seating areas and access to outdoor seating areas. The absence of vertical accessibility will not deprive any patron with accessibility needs or limitations of the Primary Use and Function of the facility.

5. *Other features of accessibility*: It is important to note that other features of accessibility are incorporated into the design of this new facility in accordance with the Florida Building Code, including path of travel routes, (3) new accessible restrooms at ground level and (1) new accessible restroom at the second floor. We believe the design has provided accessibility to the "fullest extent feasible".

** It might be feasible to install a lift at the exterior of the building that would bring accessible patrons from the ground floor to the new second floor exterior deck, and it might be possible to do so below the "disproportionate cost" threshold. However, such an installation would require use of a path of travel at the building exterior that is entirely open to the elements (no roof covering). Considering Florida's rain and weather patterns we feel this is a strategy that – while it may technically solve a code requirement – would detrimentally affect the guest experience and would not provide a meaningful solution that could be consistently relied upon.

Respectfully,

David W. Hiatt
Architect

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no.	revision date	revision descriptions

Duckpin Bowling

A RENOVATION PROJECT FOR

The Poynter Family

AT

25 N. 3rd St. Fernandina Beach, FL 32034 (3,635 sq. ft.)

TO THE BEST OF THE KNOWLEDGE OF THE ARCHITECTS AND ENGINEERS, SAID PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE MINIMUM FIRE SAFETY STANDARDS

seal

12.22.20
original issue date

2014
project number

ARCHITECTURAL FLOOR PLANS

A2