

STATE BUILDING CODE INTERPRETATION NO. I-62-99

December 20, 1999

The following is offered in response to your letter to me in which you request formal interpretations of Sections 1104.2 and 1103.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

Question 1: “Is it the intention of Section 1104.2, exceptions #2 and #3 to exempt a mezzanine floor of less than 3,000 s.f. from the requirement to be connected to the floor below by an accessible route?”

Answer 1: No. Section 1104.2 speaks to the requirement for an accessible route to connect *accessible spaces, elements, facilities and buildings* that are on the same site (emphasis added) with some stated exceptions. According to Section 1103.1, exception 9, a mezzanine under 3,000 s.f. of gross area is not required to be accessible, provided that the goods and services available on any mezzanine are available in accessible areas. If the mezzanine in question meets these criteria and is therefore not required to be accessible, this section of the code is not applicable. If the mezzanine in question does not meet these requirements, exceptions 2 and 3 of Section 1104.2 do not apply since they speak to floors in a multi-story building rather than mezzanines, which have different requirements due to their unique nature.

Question 2: “If the answer to Question #1 is ‘yes,’ is it the intention of Section 1103.1, Exception 9 to require that the mezzanine itself be provided with accessible features if the goods and services available on the mezzanine are unique and not provided on the accessible floor below, even though the mezzanine itself is exempt from being accessed by an accessible route?”

Answer 2: Even though the answer to Question 1 is not yes, this question deserves an answer. Any mezzanine, in order to be exempt from accessibility requirements, must meet both tests set forth in Exception 9 to Section 1103.1. Test number one is the size limit of 3,000 gross square feet either singly or in the aggregate for multiple mezzanines. Test number two is that the goods and services available on the mezzanine(s) must be available on an accessible level. If both tests are not met, the accessibility exemption is not applicable to the mezzanine(s) and the mezzanine(s) must be accessible.