

# ACCESSIBILITY ADVISORY COUNCIL

## GROUNDS FOR APPROVAL

- **Economic Hardship**
  - Does the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration to the primary function area?
  - If the 20% threshold is met, the waiver SHALL be granted.
  - Does not apply to new construction.
- **Historic Nature**
  - Has the applicant provided documentation of the historic significance of the building?
  - Would the historic significance of the structure be negatively impacted by the alterations applicant would have to make to provide accessibility?
  - Can be combined with Technical Infeasibility or Economic Hardship
- **Technical Infeasibility**
  - Is the structure built in a way that would otherwise place unnecessary, unreasonable, or extreme hardship on the applicant, if they were required to provide accessibility?
    - Has the applicant provided comments from a licensed design professional?
    - Would have to rebuild, demolish, encroach on property lines, etc.

## ACCESSIBILITY ADVISORY COUNCIL

### Greenbrier Hotel - WAV # 277

**Issue:** Vertical accessibility to all levels.

**Project Type:** Historical preservation (alteration)

**Project Progress:** Under Design

**Compliance estimate + Amount spent on accessible features:** \$405,380.00

**Project Construction Cost + Construction Cost Over Past 3 Years:** \$4,360,468.75

**Economic Hardship Threshold:**

$$\frac{405,380}{4,360,468.75} = 9\%$$

**Applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.**

#### **Analysis:**

The applicant is requesting a waiver from providing vertical accessibility to the basement and lobby, and upgrading existing elevator to meet cab size 36"x54" of a hotel with 27,802 square feet. The Applicant is remodeling the interior of the historic hotel. Guest rooms and bathrooms will be modified and updated. The basement will only be used for storage and would not have public access. The project cost is \$4,288,468.75 for the alteration and in the past 3 years \$72,000.00 was spent on electrical upgrades to the elevator. They submitted an estimate of \$405,380.00 for an elevator and work associated but did not submit a cost for a lift. The Applicant stated that substantial financial costs will be incurred by the owner if the waiver is denied.

#### **Uploaded Documents:**

1. Licensed Design Professional Comments
2. Historical Significant
3. Plans/Pictures
4. Cost for Compliance
5. Construction Cost

Note:

1. Ground floor – lobby at the lower level than guestrooms. The plan is to install a full size LULA left on the south end. However, the developer has not been able to purchase unit 106 where the proposed left would be installed. The unit is in the court system to be foreclosed on and offers have been made to the existing owner. Once this unit is purchased, the developer will install an ADA lift up to the southern end of the ground floor.

## ACCESSIBILITY ADVISORY COUNCIL

2. 2<sup>nd</sup> through 4<sup>th</sup> floor – current elevator cab is 39”deep x48” in width. According to the applicant, the elevator shaft size has been reviewed and a larger cab cannot fit within that shaft and the concrete shaft would need to be enlarged and structurally altered to comply with the required 36”x54” elevator cab.
3. Basement – existing basement is partially below grade and there is no access to it from the elevator or ramp. The plans for the basement contemplate it to only be a service and storage area where there is no public access.

**Miami Beach/Chief of Historic Preservation**: Code requirements regarding vertical accessibility for floors two through four and the upper portion of the first floor and basement. The interventions required to meet the requirements of the current code would irreparably harm the historic integrity of the “contributing” building.

### **5<sup>th</sup> Edition (2014) Florida Building Code, Accessibility Code/ADA**

**407.4 Elevator Car Requirements.** Elevator cars shall comply with 407.4.

**407.4.1 Car Dimensions.** Inside dimensions of elevator cars and clear width of elevator doors shall comply with Table 407.4.1.

**EXCEPTION:** Existing elevator car configurations that provide a clear floor area of 16 square feet (1.5 m<sup>2</sup>) minimum and also provide an inside clear depth 54 inches (1370 mm) minimum and a clear width 36 inches (915 mm) minimum shall be permitted.

### **STAFF RECOMMENDATION:**

1. Ground floor - Staff recommends granting the request for waiver for vertical accessibility at the northern end of the ground floor on the grounds of technical infeasibility and historical significance and temporary waiver for vertical accessibility at the southern end until a lift can be installed.
2. 2<sup>nd</sup> through 4<sup>th</sup> floor - Staff recommends granting the request for waiver of the elevator cab due to technical infeasibility and historical significance.
3. Basement – Staff recommends granting the request for waiver from vertical accessibility on the grounds of technical infeasibility and historical significance.

### **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

## ACCESSIBILITY ADVISORY COUNCIL

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.

### MOTIONS

- I move to recommend that the Florida Building Commission approve this request for waiver on the grounds of \_\_\_\_\_.
  - Economic Hardship
  - Historic Nature
  - Technical Infeasibility

## ACCESSIBILITY ADVISORY COUNCIL

- I move to recommend that the Florida Building Commission deny this application.
  - No rationale necessary.
  
- I move to recommend that the Florida Building Commission defer this request for waiver to the next meetings of the Council and the Commission for the purpose of allowing the applicant to \_\_\_\_\_:
  - Submit requested information
  - Contact building official or building department
  - Etc.