

ACCESSIBILITY ADVISORY COUNCIL

GROUND'S 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.
 - Fit-outs/Build-outs are considered 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

Traymore Hotel, LLC - WAV # 752

Issue: Elevator turning space requirement

Project Type: Historical preservation (alteration)

Project Progress: In Plan Review

Analysis:

The applicant is requesting a waiver from the elevator turning space requirement of section 304 of the 8th Edition (2023) Florida Building Code, Accessibility. Section 304 is an ADA provision which requires a turning space for an elevator to be at least 60 inches in diameter. The existing building is a historic nine-story hotel built in 1939 with 53,662 square feet. The proposed alteration for the project will include interior renovations, repairs, and the addition of a third elevator. The project alteration cost is \$18,000,000. The architect for the project stated that the proposed new elevator will meet the applicable life-safety requirements and provide sufficient width to accommodate a stretcher. Further, the architect stated that construction of an elevator fully compliant with ADA turning space requirement would require extensive modifications to the interior structure of the building which would compromise the historic integrity of the building. According to Florida Department of State Bureau of Historic Preservation and the Miami Historic Preservation & Architecture Officer, the above referenced property is listed in the National Register of Historic Places as a contributing resource to the Miami Beach Architectural District, and that full compliance with the requirements for vertical accessibility would threaten or destroy the historic significance of the said building. The applicant has provided documentation confirming the historic significance of the property.

Uploaded Documents:

1. Owner Authorization
2. Design Professional Comments
3. Historic Significance Documentation
4. Plans/Pictures

STAFF RECOMMENDATION:

Staff recommends denying the petition, since the Florida Building Commission has no authority to waive requirements of the ADA, and Florida-specific requirements are being met since vertical accessibility is being provided in the structure.

However, section 202.5 of the 2010 ADA Standards for Accessible Design, which is also adopted as section 202.5 of the Florida Building Code, Accessibility, 8th Edition (2023), already provides for exceptions for alterations to qualified historic buildings such as the subject property, so no waiver is necessary.

202.5 Alterations to Qualified Historic Buildings and Facilities. *Alterations to a qualified historic building or facility shall comply with 202.3 and 202.4 to the maximum extent feasible.*

EXCEPTION: Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for *accessible*

ACCESSIBILITY ADVISORY COUNCIL

routes, *entrances*, or toilet *facilities* would threaten or destroy the historic significance of the *building* or *facility*, the exceptions for *alterations* to qualified *historic buildings* or *facilities* for that *element* shall be permitted to apply.

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.

ACCESSIBILITY ADVISORY COUNCIL

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
- 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.