

James R. Schock, Chairman
Florida Building Commission
Joe Del Vecchio, AIA, NCARB, Chairman
Accessibility Advisory Committee

September 14, 2023

Re: Statement of Licensed Design Professional in Support of Application for
Waiver of Accessibility Requirements for:
1401 Collins Avenue, Miami Beach: Application No. WAV#620-R1

Dear Chairman Schock, Chairman Del Vecchio,
Commissioners and Councilmembers:

1401 Collins Avenue is a 3-story “Contributing” building in the Miami Beach’s Ocean Drive/Collins Avenue Local Historic District. It was constructed in the Art Deco style by renowned architect, L. Murray Dixon in 1936. See Photo Montage p.1. It is identified as an historic building in the City of Miami Beach Historic Properties Database¹ and therefore qualifies as an historic property in Title III of the Americans with Disabilities Act (“ADA”) regulations. See 28 CFR § 36.405.

1401 Collins has a first (guest room) floor level that is a six (6) riser stair above the main lobby with no other vertical accessibility provided. The stair is nominally 60 inches wide (4'-11 ¾" not counting the encroachment of handrails). See Photo Montage pp. 4-6. The Florida Building Code requires a minimum clear width for means of egress of 44 inches (or 36 inches clear width if the area being egressed has an approved occupancy of less than 50 persons). A typical inclined lift with the platform opened extends approximately 41 inches into the stair width (see, e.g., Technical Information for Garaventa Artira p. 3). This leaves no more than 19 inches of clear width remaining and therefore, such a lift would impermissibly encroach into the required means of egress. As can be seen from the as-built drawings submitted with this application, there is no way to widen this path without a substantial reconstruction and reconfiguration of this designated historic space. Accordingly, it is my professional opinion that providing vertical accessibility from the Lobby Level to the First (guest room) Floor is technically infeasible. Based on it being technically infeasible to provide vertical accessibility from the Lobby Level to the First (guest room) Floor, we respectfully request the Council

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<https://miamibeach.maps.arcgis.com/apps/webappviewer/index.html?id=c891f52b033c474daa928fa815495f91> (last visited September 5, 2023).

recommend and the Commission grant a waiver of the requirement to provide vertical accessibility from the lobby level to the first (guest room) floor level.

At the rear of 1401 Collins, there is a stair that is approximately 36 inches wide that goes from the First (guest room) Floor down to a small, non-public storage basement. Being a required means of egress, the width of this stair is insufficient to allow encroachment by a lift. Because installing an inclined lift at the stair to/from the First Floor to the basement would impermissibly encroach a required means of egress, it is my professional opinion that providing vertical accessibility at the basement stair is technically infeasible. Accordingly, we respectfully request the Council recommend and the Commission grant a waiver of the requirement to provide vertical accessibility from the First Floor to the basement.

1401 Collins has an elevator that provides vertical transportation service from the Lobby Level to the Second and Third (guest room) Floors (albeit with no stop at the First (guest room) Floor). The elevator car provides interior clear floor space of 49 inches width and 38 ½ inches in depth. Photo Montage P. 7. The elevator door provides 32 inches clear opening. Having an interior floor area of less than 16 square feet, a depth of less than 54 inches, and width of less than 36 inches, the elevator does not satisfy the Florida Building Code- Accessibility's ("FBC-A") dimensional requirements even the reduced dimensions allowed for an existing elevator. Therefore, the elevator does not satisfy Florida's mandate set forth in Section 553.509, Florida Statutes and Section 201.1.1, FBC-A, to provide vertical accessibility to all occupiable levels.

As can be seen from the as-built drawings, at the historic Lobby Level, the elevator is effectively landlocked preventing it from being enlarged. Directly behind the elevator is a vertical rise of guest room bathrooms with the plumbing chase directly behind the elevator preventing the shaft wall from moving in that direction. The elevator's north shaft wall shares a common wall with a bathroom that is likewise landlocked and therefore cannot be moved to allow the elevator shaft to be enlarged in that direction. Immediately to the south of the elevator is the egress stair on the First Floor. On the upper floors, the corresponding space is an egress corridor. A new elevator compliant with FBC-A will be required to have an interior clear floor space of either 60 inches, 68 inches or 80 inches in width.² See FBC-A, Figure 407.4.1. As discussed above, none of these

² With corresponding minimum depths of 60 inches, 51 inches and 51 inches, respectively.

dimensions are close to being technically feasible as the narrowest option would be 11 inches wider than the all-ready landlocked (on three sides) existing elevator. The only direction the elevator shaft could possibly expand would be west— into the historic lobby space. But even so doing cannot cure the deficiency in width. Because it is not possible to provide an elevator that is compliant with FBC-A, the applicant should provide accessibility to the maximum extent feasible. Florida Statute 553.502 states in pertinent part:

[t]his part is not intended to expand or diminish the defenses available to a place of public accommodation or a commercial facility under the Americans with Disabilities Act and the standards, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to private buildings or facilities as defined by the standards.” The 2010 ADA Standards (“Standards”) instructs:

Alterations. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Chapter 2.

EXCEPTIONS:

* * *

2. In alterations, where compliance with applicable requirements is technically infeasible,³ the alteration shall comply with the requirements to the maximum extent feasible.

Standards § 202.3.

Since there is no allowable configuration for a new replacement elevator that will fit widthwise, providing accessibility “to the maximum extent feasible” has to consider using the dimensions allowed for an existing elevator. Existing elevators are allowed to provide inside the car a clear floor space of 36 inches minimum width and 54 inches minimum

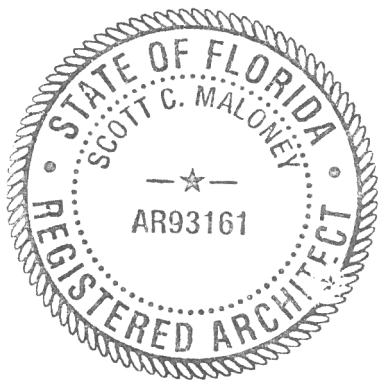
³ **“Technically Infeasible.** With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.” Standards ¶ 106.5.

depth. FBC-A § 407.4.1, Exception. While the car's minimum allowed interior clear floor space of 36 inches width for this configuration can be accommodated, the corresponding minimum allowed clear floor space of 54 inches in depth will cause the elevator to protrude approximately 15 ½ inches into the historic lobby. Such a protrusion by an enlarged elevator shaft will materially alter, and therefore *threaten or destroy the historic significance* of this historic lobby See Photo Montage pp. 2, 3, 4, and 6.

Since 2010, the ADA regulations require *places of lodging* to inform potential customers of elements in the public accommodation that are not fully accessible as part of their marketing materials including their website. Accordingly, potential guests to 1401 Collins will have advanced notice before booking a guest room or suite at 1401 Collins of the size of the historic elevator so they can determine before booking a room if they will encounter difficulties due to the undersized elevator and in such case, the travel agent or hotel reservation staff can assist in making referrals to nearby accessible properties.

Because it would be technically infeasible to provide vertical accessibility complying with the requirements of FBC-A to the floor levels above and below the Lobby Level without threatening or destroying the historic character of 1401 Collins Avenue historic lobby, we respectfully request the waiver(s) being sought in this application be granted. While the under-sized elevator may not provide accessibility to the upper floors to every person who has a mobility impairment, it will provide accessibility to a significant portion of the population of persons with mobility and endurance limitations.

We would be happy to answer any questions you may have.



Respectfully,

_____ s/s

cc: Deborah Tackett, City of Miami Beach
Historic Preservation Manager