



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

April 20, 2023

Mr. Brian S. Carroll, AIA
LS3P Associates, LTD
300 N. Greene Street, Suite 285
Greensboro, NC 27401

RE: 2018 NCEBC Section 410.7 and 806.2 Alterations affecting an area containing a primary function

Mr. Carroll:

This letter is in response to your request for formal interpretation to the Office of State Fire Marshal ("OSFM") dated March 22, 2023, which NCDOI received by email the same day. I am addressing your requests below in the order in which they are posed.

Your letter states in relevant part:

"We request your official interpretation to confirm that:

- The existing accessible toilets within one floor and 500' of our tenant space meet the requirement/intent of the NC Building/Plumbing/Existing Building/Accessibility Code with regard to provision of accessible toilets serving our area of primary function (i.e. our tenant space).
- Since the cost to provide an accessible toilet on our floor exceeds 20% of our total alteration cost, it is not required to be provided as part of our tenant renovation project, per the exceptions noted above to Sections 410.7 and 806.2 of the NC Existing Building Code.
- The building owner (in lieu of individual tenants) should be responsible to provide accessible toilets in a manner consistent with the building code, and that the provision of a unisex toilet on every other floor (as recommended by Tara Barthelmess) would meet such a requirement.
- It is acceptable to allow release of the permit for our office renovation/expansion space (and other potential similar tenant renovations within the building) while the building owner/management works to develop a cohesive plan/strategy to address accessible toilet provision in the building, in a manner that will minimize the negative impact to existing tenant spaces, existing plumbing infrastructure, etc."

Remarks:

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

Code Analysis: The required public and employee toilet facilities shall be located within 500 feet of the space and the building occupants shall not be required to travel beyond the next adjacent story above or below the occupant's location in the space.

2018 NC Plumbing Code

403.3.3 Location of Toilet Facilities in Occupancies Other Than Malls. In occupancies other than covered and open mall buildings, the required *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

Exception: The location and maximum distances of travel to required employee facilities in factory and industrial *occupancies* are permitted to exceed that required by this section, provided that the location and maximum distance of travel are *approved*.

....

Code Analysis: As part of an alteration of a primary function area such as a tenant space, toilet facilities and drinking fountains required to support the tenant space shall be along an accessible route. If the alteration costs in providing an accessible route including the path and the accessible toilet facilities and drinking fountains themselves exceed 20% of the total alteration costs, the code requirement does not apply.

2018 NC Existing Building Code

Chapter 2 Definitions

PRIMARY FUNCTION. A *primary function* is a major activity for which the facility is intended. Areas that contain a *primary function* include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors and restrooms are not areas containing a *primary function*.

....

2018 NC Existing Building Code

410.7 Alterations Affecting an Area Containing a Primary Function. Where an *alteration* affects the accessibility to, or contains an area of *primary function*, the route to the *primary function* area shall be *accessible*. The accessible route to the *primary function* area shall include toilet facilities and drinking fountains serving the area of *primary function*.

Exceptions:

1. The costs of providing the *accessible* route are not required to exceed 20 percent of the costs of the *alterations* affecting the area of *primary function*.

2. This provision does not apply to *alterations* limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to *alterations* limited solely to mechanical systems, electrical systems, installation or *alteration* of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to *alterations* undertaken for the primary purpose of increasing the accessibility of a *facility*.
5. This provision does not apply to altered areas limited to Type B dwelling and sleeping units.

....

2018 NC Existing Building Code

806.2 Alterations Affecting an Area Containing a Primary Function. *Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function.*

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of a facility.
5. This provision does not apply to altered areas limited to Type B dwelling and sleeping units.

Conclusions:

In reference to the floor plans provided in Appendix A, (2) first floor existing toilets are accessible, are on the accessible route from the second-floor tenant space and are within 500 feet maximum travel distance. In reference to the City of Greensboro NC Existing Building Code Section 410.7 & 806.2 Compliance and Exemptions Worksheet in Appendix A, the alteration costs in providing an accessible toilet on the second floor exceed 20% of the total alteration costs, therefore the accessible toilet is not required to be included in the tenant space alteration. The intent of the code is for existing buildings to become fully accessible over time. The intent of Exception #1 of 2018 NCEBC 410.7 and 806.2 is to limit this burden on alterations, such as tenant space upfits. If the path to accessible code compliance for an existing building is not able to be completed through code-compliant tenant space alterations, the owner needs to be notified so that specific work can be developed to bring the existing building into fully accessible code compliance within a mutually agreed upon schedule between the owner and the jurisdiction.

Sincerely,

A handwritten signature in black ink that reads "DR. Rittlinger". The signature is written in a cursive style with a large, stylized "D" and "R" at the beginning.

David B. Rittlinger, PE, LEED AP
Chief Code Consultant
NCDOI-OSFM Engineering & Codes Division

cc: Bridget Herring, Chair – BCC
 Mark Matheny, Vice-Chair – BCC
 Michael Ali, Chair, Commercial Super Committee - BCC
 Nathan Childs, Esq., NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov
 Karl Herderich, City of Greensboro Planning Department

ATTACHMENT A



**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL
325 North Salisbury Street, Room 5_44
Raleigh, North Carolina 27603
(919) 647-0095**

APPEAL TO NCDOI/NCBCC Hearing Date ____ / ____ / ____
GS 153A-374, GS 160A-434 GS 143-140, GS 143-141
Formal Interpretation by NCDOI Appeal of Local Decision to NCBCC
Appeal of Local Decision to NCDOI Appeal of NCDOI Decision to NCBCC

APPELLANT Brian S. Carroll, AIA **PHONE** (336) 579 - 5346 x ____
REPRESENTING LS3P Associates, LTD
ADDRESS 300 N. Greene Street - Suite 285
CITY Greensboro **STATE** NC **ZIP** 27401
E-MAIL briancarroll@ls3p.com **FAX** (n/a) ____ - ____

North Carolina State Building Code, Volume Existing Building Code - Section 410.7/806.2

REQUEST ONE: Formal Interpretation by NCDOI Appeal of Local Decision to NCBCC
 Appeal of Local Decision to NCDOI Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

Refer to attached document(s).

REASON:

Local Inspection Department's position regarding requirement of an individual tenant to provide accessibility upgrades to the building owner's toilet facilities, with a cost exceeding 20% of the tenant's total alteration cost, places an undue financial burden on the individual tenant to fund upgrades to the building owner's shell/core building.

Signature B. S. Carroll DATE: 3/22/23 **APPEAL TO NCDOI/NCBCC**
FORM 3/14/17

March 22, 2023

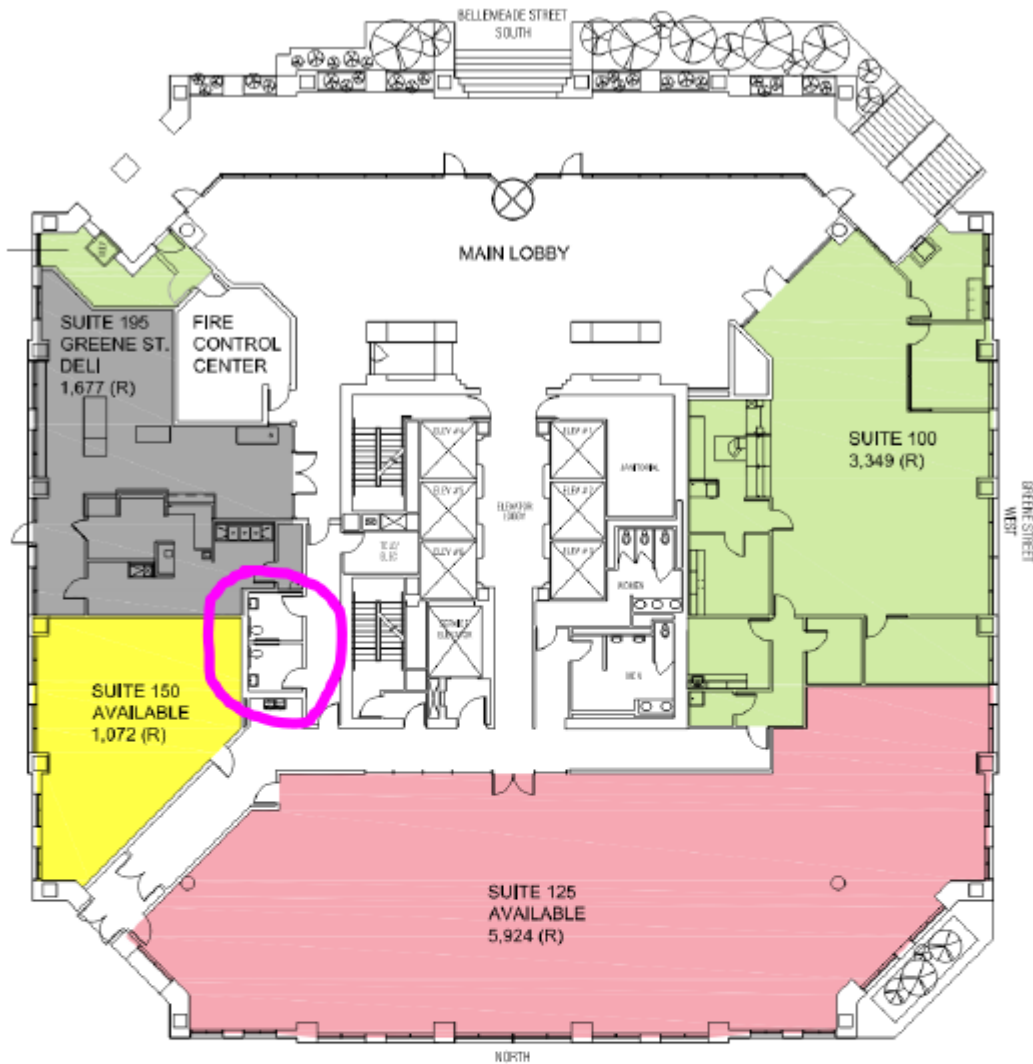
David B. Rittlinger, PE, LEED AP
Chief Code Consultant
Code Interpretations Supervisor
Engineering Division
NC Department of Insurance
Office of the State Fire Marshal

David,

Per recent correspondence between me and Tara Barthelmess (Chief Accessibility Code Consultant) in your office, we herein request a formal interpretation regarding the application of the existing building code as relates to accessibility upgrades of common (core) building elements in a high rise, multi-tenant office building. I will attempt to summarize the question/specific code and review comments from our local AHJ (City of Greensboro Inspections Department), but I believe Tara has already discussed this question with you, so hopefully this will all make sense!

Background/Issue:

- Our office leases space on the second floor of the Wells Fargo Tower (300 N. Green Street, Greensboro, NC 27401).
 - Toilet facilities for the building are provided by the building owner/landlord in the core area of the building.
 - It is technically infeasible to expand the existing group toilets due to conflicts with building structure (load bearing walls), elevator shafts, and mechanical spaces. (Refer to diagram below with the building core [including toilets] highlighted in the center of the building.)
 - We are expanding our office into the adjacent space. (Refer to diagram below with the revised extent of our office highlighted at the plan south of the floor).
 - As part of the plan review submission, the City of Greensboro Inspections Department requires submission of a worksheet related to the NC Existing Building Code Sections 410.7 & 806.2 (attached, for reference).
 - As noted on our attached form, the total alteration cost, as provided by our General Contractor, is \$180,155.00.
 - As noted in Item 6 on the attached form, all other portions of our existing/proposed tenant space and the route to it are accessible, with the exception of a lack of a toilet facility meeting the current accessibility code on our floor. (To our knowledge, the core/shell building was compliant with accessibility requirements at the time of construction, but does not have a HC toilet complying with the current accessibility code.)
 - As noted in Item 7 of the attached form, the General Contractor has estimated that the cost to provide an accessible toilet on the second floor would be \$40,000 (22% of the total alteration cost). Per Exception 1 to Section 410.7 of the NC Existing Building Code, it is our understanding (after consultation with/agreement by Tara Barthelmess) that the provision of an accessible toilet on the second floor would not be required, as its cost would exceed 20% of the cost of alteration. This is also consistent with our understanding of Exception 1 to Section 806.2 of the Existing Building Code.
 - On the first floor of the building (one floor directly below our tenant space), there exist separate male/female single-occupant toilets that do appear to meet the current accessibility code, and are on an accessible route. (Refer to second snip below with the two toilets in question circled. [Apologies that the diagram is rotated 90-degrees from the second floor plan].) Those toilets are within one floor and a 500-foot travel distance of our second floor tenant space.
-



Given all of the above/attached, we request your official interpretation to confirm that:

- The existing accessible toilets within one floor and 500' of our tenant space meet the requirement/intent of the NC Building/Plumbing/Existing Building/Accessibility Code with regard to provision of accessible toilets serving our area of primary function (i.e. our tenant space).
- Since the cost to provide an accessible toilet on our floor exceeds 20% of our total alteration cost, it is not required to be provided as part of our tenant renovation project, per the exceptions noted above to Sections 410.7 and 806.2 of the NC Existing Building Code.
- The building owner (in lieu of individual tenants) should be responsible to provide accessible toilets in a manner consistent with the building code, and that the provision of a unisex toilet on every other floor (as recommended by Tara Barthelmess) would meet such a requirement.
- It is acceptable to allow release of the permit for our office renovation/expansion space (and other potential similar tenant renovations within the building) while the building owner/management works to develop a cohesive plan/strategy to address accessible toilet provision in the building, in a manner that will minimize the negative impact to existing tenant spaces, existing plumbing infrastructure, etc.]

I apologize for the length/complexity of this correspondence, but am available to talk (336.944.1630 [cell]) should you have any questions about the request/issue. Thank you for your assistance!

Sincerely,

Brian S. Carroll AIA, LEED AP

Greensboro Operations & Finance Manager / Senior Project Manager | Senior Living Sector Leader | Principal

LS3P

300 North Greene Street, Suite 285, Greensboro, NC 27401 336.579.5346 (D) 336.273.0101 (O) 336.944.1630 (M)



Engineering & Inspections

NC EXISTING BUILDING CODE SECTION 410.7 & 806.2 – COMPLIANCE AND EXEMPTIONS WORKSHEET:

When alterations to an area of primary function or the route to it include Level 2 alterations as classified in Section 504 of the North NC Existing Building Code (NCEBC), sections 410.7 or 806.2 require the accessible route to the area of primary function to be accessible in accordance with the NC Building Code, including toilet facilities and drinking fountains. If your project includes Level 2 work, please provide the following information showing compliance with this requirement:

1. Enter the **total alteration cost (TAC)**, including all trades and all levels of alteration. (Include the cost of accessible features included in the alteration per NCEBC 410.6/806.1. Do not include costs to satisfy NCEBC 410.7/806.2. Enter those in the table below.) \$ 180,155.00
2. Is the accessible route to the altered area of primary function already 100% compliant with the current accessibility code? Yes ; No (If yes, accessibility upgrades are not required.)
3. Are the alterations *solely* to windows, hardware, operating controls, electrical outlets and signs? Yes ; No (If yes, accessibility upgrades are not required.)
4. Are the alterations *solely* to mechanical, electrical or fire protection systems, or abatement of hazardous materials? Yes ; No (If yes, accessibility upgrades are not required.)
5. Are the alterations primarily for the purpose of increasing the accessibility of the facility? Yes ; No (If yes, further accessibility upgrades are not required.)
6. If answers to items 2 through 5 above are all "No", list work items that will be performed to improve accessibility along the route, indicate the code section satisfied, and state the cost as a percent of the **total alteration cost (TAC)** above. Provide all possible access without exceeding 20% of the total project cost. (If additional space needed, attach summary.)

WORK ITEMS PROPOSED	NCBC Section Reference	Cost (% of TAC)
Existing areas of primary function within tenant space and route to it are accessible, with the exception of common accessible toilet room(s) as shown below in Section 7.		
TOTAL COST OF IMPROVEMENTS (% of TAC)		

7. Upon completion of these alterations, will the route to the altered primary function area be in full compliance with the NCBC? Yes ; No . If no, list remaining unmet accessibility requirements below: (If additional space needed, attach summary.)

WORK ITEMS DEFERRED	NCBC Section Reference	Cost (% of TAC)
Accessible toilet (GC estimated cost at minimum of \$40,000)	1109.2 & ICC A117.1 Section 604.9	22.2%
TOTAL COST OF DEFERRED IMPROVEMENTS (% of TAC)		

COG PLAN TRACKING #: 2023-0196 PROJECT TITLE: LS3P GSO Office Renovation

SUBMITTED BY DESIGNER: LS3P Associates, LTD

Name: Brian S. Carroll, AIA, LEED AP Signature: _____



Date: 3/9/23 & Seal if applicable

Document #3170 5/20/19

PO Box 3136 · Greensboro, NC 27402-3136 · www.greensboro-nc.gov · 336-373-2155 · Fax # 333-6056

Brian Carroll

From: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Sent: Tuesday, March 21, 2023 9:24 AM
To: Brian Carroll; Rittlinger, David B; Martin, Carl
Cc: Rittlinger, David B; Martin, Carl; Courtney Duncan/USA; Michael Murray (mmurray@mwmconstructioninc.com); Ginna Freyaldenhoven; William Drennan
Subject: [EXTERNAL] RE: [External] RE: Info re: LS3P Office Renovation (Plan #2023-0196)

Brian,
I have already discussed this project with Carl Martin and David Rittlinger.

To get a formal interpretation, please email David Rittlinger – Chief Code Consultant, per section [203.2.1.2](#) of the 2018 NC Administration Code and Policies.

203.2.1.2 Formal interpretations. Any person may request in writing a formal interpretation of the code. The request shall be addressed to the Chief Code Consultant for the Department of Insurance. The request shall be specific and shall reference the code sections in question. All formal interpretations shall be in writing. A formal interpretation shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. Formal interpretations determined to be of a general nature may be posted on the department web site.

Please include your question and the interpretations I have provided, as well as the response from the City of Greensboro Inspections Department for David's review.

Please let me know if you have any additional accessibility questions.
As with all responses regarding accessibility, this response does not address possible federal ADA requirements which might apply as my authority ends with the NC codes; however, it is the responsibility of the permit holder and owner to comply with federal requirements if any.

Kind regards,
Tara Barthelmess
Chief Accessibility Code Consultant



N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0014

From: Brian Carroll <briancarroll@ls3p.com>
Sent: Monday, March 20, 2023 7:04 AM
To: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Cc: Rittlinger, David B <david.rittlinger@ncdoi.gov>; Martin, Carl <Carl.Martin@ncdoi.gov>; Courtney Duncan/USA <Courtney.Duncan@cushwake.com>; Michael Murray (mmurray@mwmconstructioninc.com) <mmurray@mwmconstructioninc.com>; Ginna Freyaldenhoven <ginnafrey@ls3p.com>; William Drennan <williamdrennan@ls3p.com>
Subject: RE: [External] RE: Info re: LS3P Office Renovation (Plan #2023-0196)

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Tara,

We received the response below to our permit submittal from the City of Greensboro Inspections Department:

"Herderich, Karl R. (reviewer) 1) Section 403.3.3 of the NC Plumbing Code is for Required # of Fixtures, depending on the # of Occupants and does not have anything to do with Accessibility. Actually if there are the required # of Fixtures on another adjacent Floor and within 500' you can use those fixtures, if you have to eliminate Fixtures on the Floor being Renovated, to meet the required # of Fixtures and to meet the Accessibility Upgrade Requirements in section 803.1, Exception 1, of the NCEBC. 2) If this was a new Building all the Restrooms on the 2nd Floor would be required to meet the current Accessibility Standards, so section 410.3 of the NCEBC would not apply. 3) Because of a recent previous project with a Deferred Item, it appears as though Accessibility Upgrades can be made within the Project Budget for the Accessible Restroom(s)."

The plan reviewer appears to be taking a position that is not in keeping with the green highlighted portion of your email from last week (see below). We seem to be at an impasse with our tenant upfit review, given that toilet facilities in the building are a part of the common building core, not each individual tenant. It is understandable that the building owners should be planning to eventually take building-wide efforts to address accessibility throughout the building. However, to do so on a sporadic basis (i.e. as each individual tenant space may be renovated) would likely result in a scattershot approach to the potential locations of accessible toilets on various floors, therein complicating the building's plumbing system and unnecessarily negatively impacting tenant spaces.

It would seem logical to allow provision of accessible toilet facilities throughout the building to be deferred until such time as the building owner can develop a systematic plan for the location of such toilets as a cohesive design, with the least impact to existing tenants who may otherwise have to have space taken away from them to create toilets. Is it possible for you, David and Carl to confer as soon as possible today to provide an official response to this issue so that we may work to resolve this issue with our local inspections department, thereby allowing the release of the building permit for the tenant renovation that has now been held for more than two months?

We would also welcome an official position from DOI regarding whether the provision of unisex accessible toilets on every other floor would meet the intent of both the NC Existing Building Code and Accessibility Code, or if an accessible toilet on each floor must be provided, as appears inferable from the reviewer's comments, above.

Thank you SO much for your guidance/assistance in resolving this matter!

Brian S. Carroll AIA, LEED AP
Greensboro Operations & Finance Manager / Senior Project Manager | Senior Living Sector Leader | Principal

LS3P

300 North Greene Street, Suite 285, Greensboro, NC 27401 336.579.5346 (D) 336.273.0101 (O) 336.944.1630 (M) 336.273.0141 (F)
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BEACH | ASHEVILLE | CHARLOTTE | **GREENSBORO** | RALEIGH | WILMINGTON | ATLANTA | SAVANNAH

From: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>

Sent: Monday, March 13, 2023 5:00 PM

To: Brian Carroll <briancarroll@ls3p.com>; Herderich, Karl <Karl.Herderich@greensboro-nc.gov>

Cc: Rittlinger, David B <david.rittlinger@ncdoi.gov>; Martin, Carl <Carl.Martin@ncdoi.gov>

Subject: [EXTERNAL] RE: [External] RE: Info re: LS3P Office Renovation (Plan #2023-0196)

Brian & Karl,

The intent of the existing building code in regard to accessibility is to increase the accessibility of the building every time there is a renovation level II or III, an addition or a complete change of occupancy.

As we all know – disproportionality and the 20% comes in to play per section 806.2 exception 1of the 2018 NCEBC:

806.2 Alterations affecting an area containing a primary function. Where an *alteration* affects the accessibility to a, or contains an area of, *primary function*, the route to the *primary function* area shall be accessible. The accessible route to the *primary function* area shall include toilet facilities and drinking fountains serving the area of *primary function*.

Exceptions:

1. The costs of providing the accessible route are not required to exceed **20 percent** of the costs of the alterations affecting the area of *primary function*.

Per section 410.3 of the 2018 NCEBC, An alteration of an existing facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

410.3 Extent of application. An *alteration* of an existing facility shall not impose a requirement for greater accessibility than that which would be required for new construction. *Alterations* shall not reduce or have the effect of reducing accessibility of a *facility* or portion of a *facility*.

Section 403.3.3 form the 2018 NC Plumbing Code requires the toilet facility to be not more than one story above or below the space required to provide toilet facilities.

403.3.3 Location of toilet facilities in occupancies other than malls. In occupancies other than covered and open mall buildings, the required *public* and *employee* toilet facilities shall be located **not more than one story above or below the space required to be provided with toilet facilities**, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

A unisex accessible toilet facility constructed in the tenant renovation (plan #2023-0196) would exceed the 20% of the construction cost, and therefore is not required per section 806.2 exception 1 of the 2018 NCEBC. The 20% must still be spent on the building per the building owners/management, but may be spent anywhere on the building and on any accessibility upgrades needed. The building owner should work towards providing an accessible bathroom on every other floor of the building.

Please let me know if you have any additional accessibility questions.

As with all responses regarding accessibility, this response does not address possible federal ADA requirements which might apply as my authority ends with the NC codes; however, it is the responsibility of the permit holder and owner to comply with federal requirements if any.

Kind regards,

Tara Barthelmess
Chief Accessibility Code Consultant



N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0011

From: Brian Carroll <briancarroll@ls3p.com>

Sent: Monday, March 13, 2023 11:18 AM

To: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Subject: [External] RE: Info re: LS3P Office Renovation (Plan #2023-0196)

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Tara,

As an FYI...attached is the updated City of Greensboro form that our GC is uploading to their review portal. We are hopeful that this will be sufficient for Karl to release/approve the building permit so we can get started. Let me know if you see anything that we should change in the way the form is filled out.

Thanks (as always) for your input/assistance!

Brian S. Carroll AIA, LEED AP
Greensboro Operations & Finance Manager/ Senior Project Manager | Senior Living Sector Leader | Principal

LS3P
300 North Greene Street, Suite 285, Greensboro, NC 27401 336.579.5346 (D) 336.273.0101 (O) 336.944.1630 (M) 336.273.0141 (F)
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From: Brian Carroll
Sent: Thursday, March 9, 2023 3:36 PM
To: tara.barthelmess@ncdoi.gov
Subject: RE: Info re: LS3P Office Renovation (Plan #2023-0196)

Tara,

Thank you (again) for your time and attention...it is sincerely appreciated!

To document the information we just discussed:

- Total alteration cost of our project (tenant renovation/expansion) is \$180,155.
- The General Contractor has indicated that the renovations necessary to accommodate an accessible toilet would be \$40,000, which exceeds 20% of the \$180,155 construction cost.

Thanks!

Brian S. Carroll AIA, LEED AP
Greensboro Operations & Finance Manager/ Senior Project Manager | Senior Living Sector Leader | Principal

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BEACH | ASHEVILLE | CHARLOTTE | **GREENSBORO** | RALEIGH | WILMINGTON | ATLANTA | SAVANNAH

From: Brian Carroll
Sent: Monday, March 6, 2023 12:22 PM
To: tara.barthelmess@ncdoi.gov
Cc: Courtney Duncan/USA <courtney.duncan@cushwake.com>; Ginna Freyaldenhoven <ginnafrey@ls3p.com>; Steve Freyaldenhoven <stevefrey@ls3p.com>; karl.herderich@greensboro-nc.gov

Subject: FW: Info re: LS3P Office Renovation (Plan #2023-0196)

Importance: High

Tara,

See below from the City of Greensboro Inspections Department requesting an official interpretation related to the question(s) we spoke about last week. What would be necessary in order to provide official documentation (in lieu of just an email documenting our conversation)?

Brian S. Carroll AIA, LEED AP

Greensboro Operations & Finance Manager/ Senior Project Manager | Senior Living Sector Leader | Principal

LS3P

300 North Greene Street, Suite 285, Greensboro, NC 27401 336.579.5346 (D) 336.273.0101 (O) 336.944.1630 (M) 336.273.0141 (F)
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BEACH | ASHEVILLE | CHARLOTTE | **GREENSBORO** | RALEIGH | WILMINGTON | ATLANTA | SAVANNAH

From: Herderich, Karl <Karl.Herderich@greensboro-nc.gov>

Sent: Monday, March 6, 2023 12:17 PM

To: Brian Carroll <briancarroll@ls3p.com>

Cc: Lilley, Will <William.Lilley@greensboro-nc.gov>; Sheffield, Don <Donald.Sheffield@greensboro-nc.gov>

Subject: [EXTERNAL] RE: Info re: LS3P Office Renovation (Plan #2023-0196)

Brian,

Once again, it will need to be an Official Interpretation, not just an E-mail from her. I have discussed this with Will Lilley, the new Plan Review Manager, and we disagree with her assessment, that's why it will need to be an Official Interpretation.

Karl Herderich

300 W Washington St.

Greensboro, NC 27401

Phone: (336) 373-2562

Fax: (336) 333-6056

e-mail: karl.herderich@greensboro-nc.gov

Please take the time to take our customer service survey. Your feedback is appreciated. Thank you!

[CLICK HERE TO TAKE SURVEY](#)

From: Brian Carroll <briancarroll@ls3p.com>

Sent: Monday, March 6, 2023 12:13 PM

To: Herderich, Karl <Karl.Herderich@greensboro-nc.gov>

Subject: RE: Info re: LS3P Office Renovation (Plan #2023-0196)

WARNING: External Email – Don't get hooked by a phishing email. Never click on links or open attachments unless you know the content is safe.

Karl,

As a follow-up to my conversation with her, I am awaiting that interpretation in writing from Tara at DOI, and will forward it for record as soon as it's received. Per DOI's website, her role is the Chief Accessibility Code Consultant for

DOI, "responsible for Accessibility Code interpretations relative to the NC Building Code and the NC Existing Building Code for consistent enforcement within the state."

Thanks again for all your help/guidance!

Brian S. Carroll AIA, LEED AP

Greensboro Operations & Finance Manager/ Senior Project Manager | Senior Living Sector Leader | Principal

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300 North Greene Street, Suite 285, Greensboro, NC 27401 336.579.5346 (D) 336.273.0101 (O) 336.944.1630 (M) 336.273.0141 (F)
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From: Herderich, Karl <Karl.Herderich@greensboro-nc.gov>
Sent: Monday, March 6, 2023 12:08 PM
To: Brian Carroll <briancarroll@ls3p.com>
Cc: Lilley, Will <William.Lilley@greensboro-nc.gov>
Subject: [EXTERNAL] RE: Info re: LS3P Office Renovation (Plan #2023-0196)

We'll need an OFFICIAL Interpretation on that from DOI.

It's my understanding that the Plumbing Code does allow using Toilet Rooms on another Floor within 500' for the purposes of Plumbing Fixture count. Plumbing Fixture count has nothing to do with Accessibility Requirements. If this was a new Building, you could use that section of the Plumbing Code to get to the number of Required Fixtures, but all the Toilet Rooms on the Floor you're Building would be required to meet current Accessibility Standards.

Karl Herderich
300 W Washington St.
Greensboro, NC 27401
Phone: (336) 373-2562
Fax: (336) 333-6056
e-mail: karl.herderich@greensboro-nc.gov

Please take the time to take our customer service survey. Your feedback is appreciated. Thank you!

[CLICK HERE TO TAKE SURVEY](#)

From: Brian Carroll <briancarroll@ls3p.com>
Sent: Monday, March 6, 2023 12:00 PM
To: Herderich, Karl <Karl.Herderich@greensboro-nc.gov>
Subject: FW: Info re: LS3P Office Renovation (Plan #2023-0196)

WARNING: External Email – Don't get hooked by a phishing email. Never click on links or open attachments unless you know the content is safe.

Karl,

I just got a kickback saying the email below was undeliverable...looks like maybe I had an old email address for you! I'm so sorry about that.

Per our subsequent discussions, I've reviewed this condition with Tara Barthelmess (Chief Accessibility Code Consultant – NCDOT), who confirmed that utilization of the accessible toilets one floor down was acceptable, and that completion of

the Compliance and Exemptions Worksheet noting that the accessible route to the altered area of primary function was already 100% compliant with the current accessibility code would be accurate/acceptable, since the toilets in question are within one floor and 500' travel distance.

Thanks!

Brian S. Carroll AIA, LEED AP

Greensboro Operations & Finance Manager/ Senior Project Manager | Senior Living Sector Leader | Principal

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From: Brian Carroll

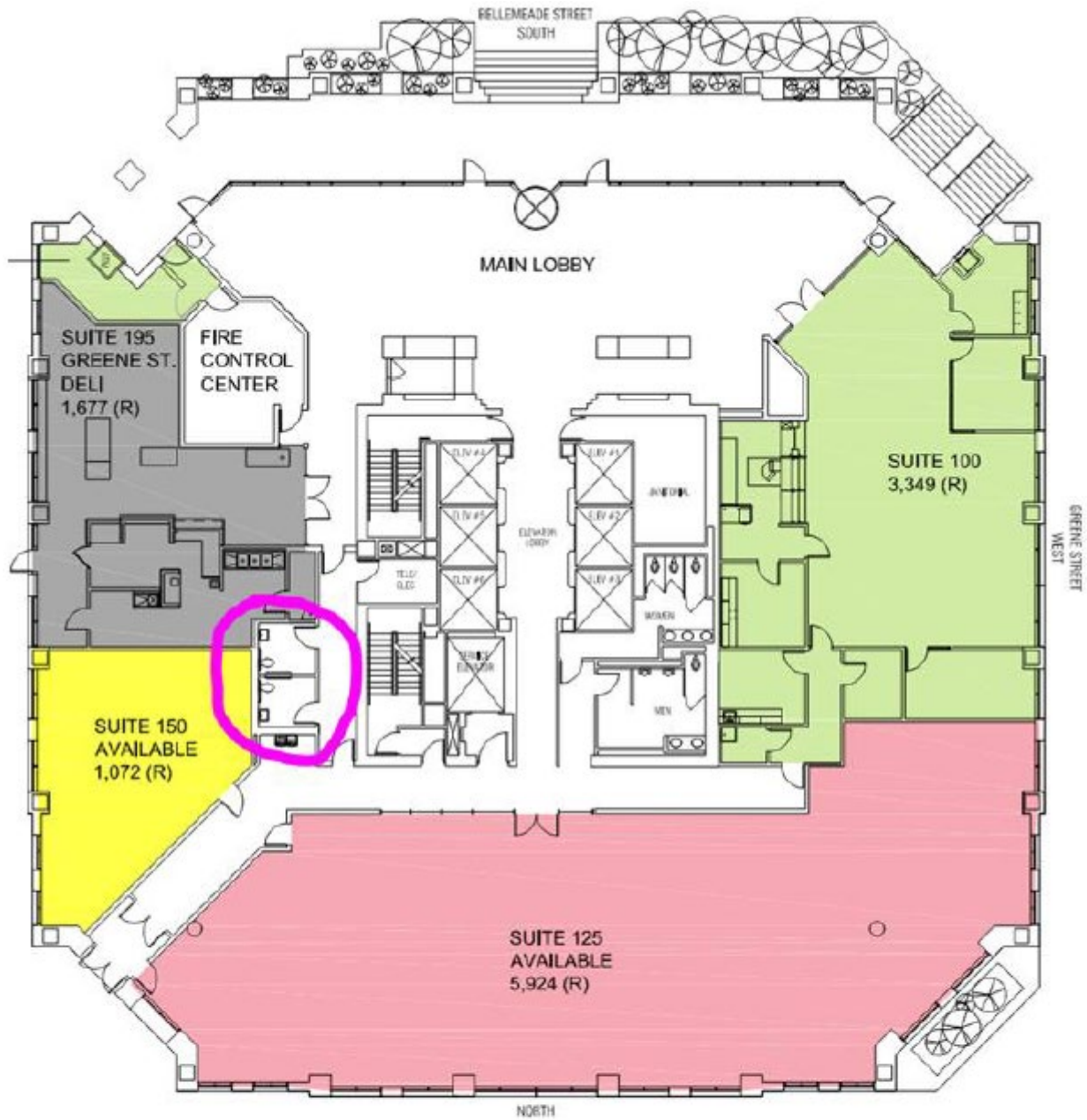
Sent: Tuesday, February 28, 2023 10:59 AM

To: Karl Herderich (karl.herderich@ci.greensboro.nc.us) <karl.herderich@ci.greensboro.nc.us>

Subject: Info re: LS3P Office Renovation (Plan #2023-0196)

Karl,

Thanks for taking the time to speak just now and for being willing to follow up with your plumbing inspector about the toilets one floor down from our office, which meet the current accessibility code. See snip of plan below and attached photos for additional information.



Thanks again,

Brian S. Carroll AIA, LEED AP

Greensboro Operations & Finance Manager/ Senior Project Manager | Senior Living Sector Leader | Principal

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