

SHOPS AT MIDTOWN MIAMI NORTH BLOCK BUILDING: PRECETTI SHOWROOM

Issue: Vertical accessibility to the second floor of a showroom/office.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of a business which primarily serves as a non-public showroom for cruise ship interior designers. The structure was originally intended for residential use and contains an accessible, 1,468 square foot lower area with 1,262 square feet on the upper level. According to the applicant, the showroom is only open by appointment and the second floor, containing three offices, an in-house conference area and file storage is not intended for public use. The project will cost \$409,500; however, no estimates for the cost of vertical accessibility were provided since the applicant stated the second floor will house fewer than five persons and is not open to the public.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to the second floor, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) 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
- (3) 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.

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.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

1. Name and address of project for which the waiver is requested.

Name: Shops at Midtown Miami North Block Building: Precetti Showroom

Address: 3401 North Miami Avenue, Suites 228/229, Miami, Florida

2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:

Applicant's Name: Robert S. Fine, Esq., AIA

Applicant's Address: Greenberg Traurig, PA, 1221 Brickell Avenue, Miami, FL 33131

Applicant's Telephone: 305-579-0826 **FAX:** 305-961-5826

Applicant's E-mail Address: finer@gtlaw.com

Relationship to Owner: Legal counsel

Owner's Name: Michael Chapman

Owner's Address: c/o Applicant

Owner's Telephone: c/o Applicant **FAX:** c/o Applicant

Owner's E-mail Address: c/o Applicant

Signature of Owner: _____

Contact Person: Robert S. Fine, Esq., AIA

Contact Person's Telephone: 305-579-0826 **E-mail Address:** finer@gtlaw.com

This application is available in alternate formats upon request.

3. Please check one of the following:

New construction.

Addition to a building or facility.

Alteration to an existing building or facility.

Historical preservation (addition).

Historical preservation (alteration).

4. Type of facility. Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

Predominantly non-public showroom to display cruise ship interior design fitouts.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):

Approximately \$409,500.

6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design Under Construction*

In Plan Review Completed*

* Briefly explain why the request has now been referred to the Commission.

7. Requirements requested to be waived. Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue

1: To the extent a waiver is necessary, § 553.509, Fla. Stat.; § 11-4.1.3(5), Florida Building Code (2004): Vertical accessibility to wholly non-public upper level of predominantly non-public showroom office for cruise ship interior designers .

Issue

2: _____

8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

Applicant believes that a waiver is not required and that project complies with Florida Accessibility Code. Since the building official has requested the project attain a waiver, we are applying for one.

Substantial financial costs will be incurred by the owner if the waiver is denied.

The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. _____

b. _____

c. _____

10. **Licensed Design Professional:** Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

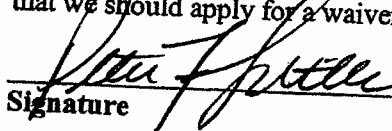
The project is a predominantly non-public showroom to display cruise ship interior design fitouts being constructed in a two-story space that was originally intended for residential use. The lower (vertically-accessible) level contains 1468 square feet. The upper level contains 1262 square feet.

The lower level is comprised of a reception/showroom area that is open by appointment only, a small demonstration bar, a staff work room for employee use only and a unisex accessible toilet room for client and staff use. The lower level space occurs on an accessible level with an accessible entrance.

The upper level is devoted to two private offices, one open office an in-house conference room and file storage areas and is not open to the public.

Because the second level is for the use of five persons or less and is not for public access, we believe that it falls within the exception set forth in section 11-4.1.3(5)(3) of the Florida Building Code and no waiver should be necessary. However, since the building official is of the opinion that we should apply for a waiver, we are so doing.

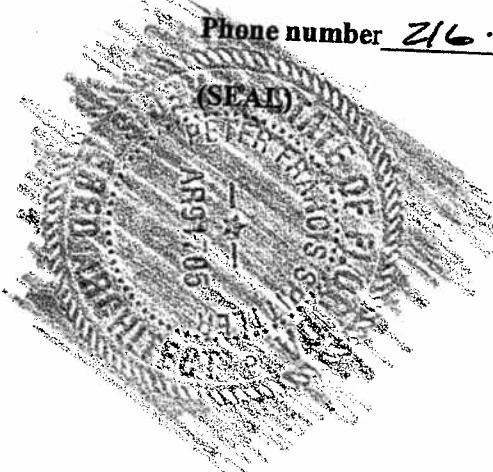
Signature



Printed Name

PETER F. SATTLER

Phone number 216.363.0000



CERTIFICATION OF APPLICANT:

I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 11 day of June, 20 07

Signature 

Printed Name R. S. Fine

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.

REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

- a. _____
- b. _____
- c. _____

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

Yes No Cost of Construction _____

Comments/Recommendation _____

Jurisdiction _____

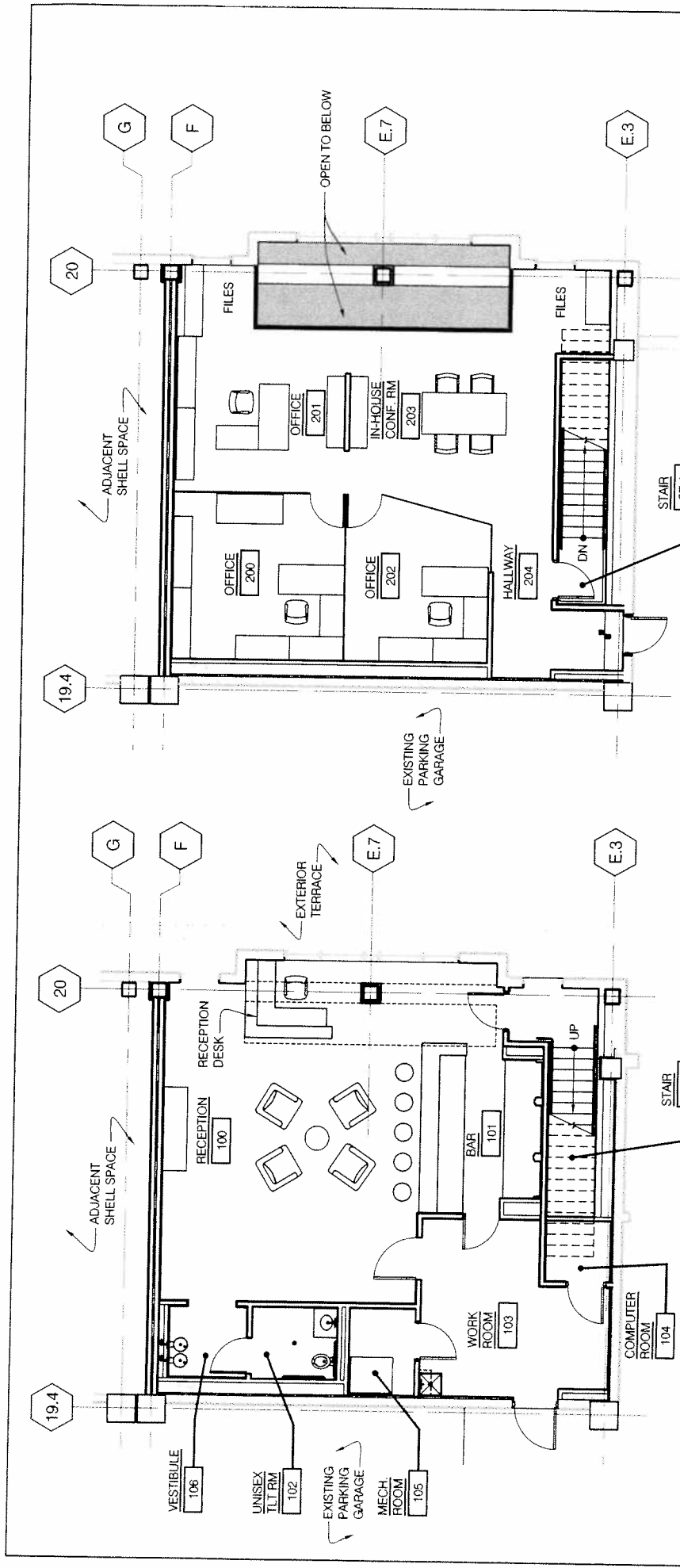
Building Official or Designee _____
Signature

Printed Name _____

Certification Number _____

Telephone/FAX _____

Address: _____



2 UPPER LEVEL PLAN
SCALE: 1/8" = 1'-0"

1 LOWER LEVEL PLAN
SCALE: 1/8" = 1'-0"

DRAWN BY: REC
CHECKED BY: GGL
SHEET NUMBER: IF-01

SCALE: AS NOTED
DATE: 02.06.08
JOB NUMBER: 07208
REV NUMBER:
SHEET REF:

AUTHORIZED USE:
FOR REVISIONS ONLY
NO OTHER USES PERMITTED

PROJECT:
THE SHOPS AT MIDTOWN MIAMI
NORTH BLOCK TENANT FIT-OUT
LOCATION:
3401 North Miami Ave., Suites 228 and 229
Miami, Florida 33127

FORUM ARCHITECTS, LLC
214 SW 100th Ave
Miami, FL 33156
305.441.1234

TO THE BEST OF THE ARCHITECT OR ENGINEER'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND REGULATIONS IN EFFECT AT THE TIME OF THE PREPARATION AS DETERMINED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA BUILDING CODE 2004 EDITION.

