

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.

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1233 Collins - WAV # 330

Issue: Vertical accessibility to the second floor.

Project Type: Historical Preservation (Alteration)

Project Progress: In Plan Review

Compliance estimate + Amount spent on accessible features: \$5,000

Project Construction Cost + Construction Cost Over Past 3 Years N/A

Economic Hardship Threshold: N/A

Applicant alleges the hardship is caused by the historic nature of the building.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of an existing two-story 7,311 sf historic apartment building and from providing an accessible ramp to the front door stoops at all three access points. The project consists of a change of use from apartment to a hotel occupancy. According to the applicant, the only construction cost for this project is \$5000.00 to modify unit 4 to have an ADA compliant shower and to relocate the bed from the 2nd floor loft area to the ground floor of the unit. The applicant has provided a letter from the Florida Department of State which states that after review of the information which was submitted to their office for review, the Bureau of Historic Preservation concurs that the construction necessary to provide 1233 Collins Avenue full ADA vertical access will cause adverse effect upon the historic fabric of this property. Additionally, it is their understanding that other issues relating to these proposed solutions, such as technical infeasibility, disproportionate cost or other code issues as well as final accessibility waivers shall be addressed locally. Furthermore, the applicant has provided a letter from Chief of Historic Preservation with the City of Miami Beach Planning Department which states that in order to accommodate vertical accessibility, substantial modifications to the historic building would be required and such interventions would irreparably harm the very significant style and configuration of the subject structure. The letter also states that the planning department on behalf of the Miami Beach Historic Preservation Board strongly supports the subject waiver request. The applicant alleges the hardship is caused by the historic nature of the building.

Note: This application was deferred last October by the Commission to allow the applicant to provide site plan and additional photographs.

Uploaded Documents:

1. Historical Documentation
2. Project Pictures/photographs
3. Site plan

STAFF RECOMMENDATION:

Staff recommends granting the request for waiver on the grounds of the historical nature of the building.

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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.

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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

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- 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.