

PLAYA DE ORO

Issue: Vertical accessibility to the second floor of a two story building with short term rental units.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the 3,200 square foot second floor of a building undergoing a change in occupancy classification from R-1 to R-2. One unit is also being converted for use as a manager's office. The project includes modifying one unit on the first floor to be completely accessible. The project will cost \$41,000 and the applicant submitted estimates of \$204,200 and \$187,000 to substantiate that it would be disproportionate to the cost of the alteration to install an elevator in the structure.

Project Progress:

The project is in plan review.

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.

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. Applicant/owner is required to comply with Section 553.509, Florida Statutes, (2010) Florida Accessibility Code 201.1.1.

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 \$41,000.00

Comments/Recommendation The cost of providing vertical accessibility to the second floor will exceed 20% of the proposed cost of construction and will disproportionate in accordance with (2010) Florida Accessibility Code Section 202.4.1. The first floor was designed to meet all requirements of the (2010) Florida Accessibility Code.

Jurisdiction City of Miami Beach Building Department

Building Official or Designee _____

Signature

Gladys N. Salas, P.E., Chief Accessibility Inspector

Printed Name

PX1401

Certification Number

(305) 673-7610 ext 6888 Fax (305) 673-7264

Telephone/FAX

GladysSalas@miamibeachfl.gov

Email Address

Address: 1700 Convention Center Drive, Miami Beach, FL 33139

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART II, 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: PLAYA DE ORO

Address: 751 MERIDIAN AVE.

MIAMI BEACH, FL 33139

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: CARLOS E. SARMIENTO

Applicant's Address: 932 STANTON DRIVE, WESTON, FL 33326

Applicant's Telephone: 954-7324593 FAX: 866-3582324

Applicant's E-mail Address: INFO@CAZGROUPCORP.COM

Relationship to Owner: AGENT

Owner's/Tenant's Name: PLAYA DE ORO, LLC

Owner's Address: 751 MERIDIAN AVE, MIAMI BEACH, FL 333139

Owner's Telephone: 786-8799424 FAX 305-5135768

Owner's E-mail Address: ANDREAACO@GMAIL.COM

Signature of Owner: ANDREA ACOSTA

3. Please check one of the following:

☐ New construction.

FBC 2012-01

Request for Waiver

Rule 61G20-4.001
effective 4/25/2013

☒ 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.)

Two floors, 3200 sq.ft. per floor – 6400 sq.ft. in total. Short term rental. PLAYA DE ORO is changing the use for 11 units from R1 to R2 (short term rental) and 1 unit in to an office for the building management. PLAYA DE ORO is the retrofitting of the unit # 3 to comply with ADA Standards. The building will be ADA Accessible. All adjusted building areas will remain the same after this work.

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

41,000.00 (Interior alteration costs)

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: COMPLIANCE WITH SECTION 553.509, FLORIDA STATUTES

FBC 2012-01
Request for Waiver

Rule 61G20-4.001
effective 4/25/2013

Issue

2:

Issue

3:

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.

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

The cost will exceed 20% of the proposed cost of construction.

☐ 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. Quote from Lazem Development for 187,000.00 (See attached)

b. Quote from Tecnica for 204,000.00 (See attached)

c. _____

10. **Licensed Design Professional:** Where a licensed design 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.

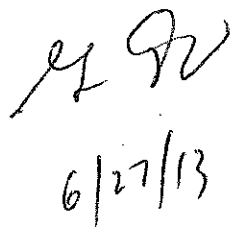
First floor was designed to meet all requirements of the 2010 Florida accessibility code.


Signature

GEROGE FREIJO, P.E.
Printed Name

Phone number 954-6788545

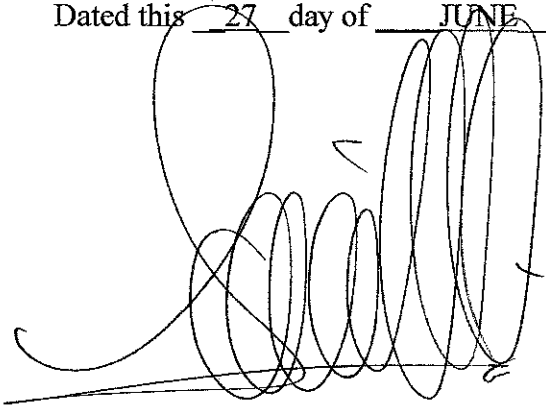
(SEAL)


6/27/13

CERTIFICATION OF APPLICANT:

I hereby declare 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 27 day of JUNE, 2013

A handwritten signature in black ink, appearing to read 'CARLOS E. SARMIENTO', written over a horizontal line.

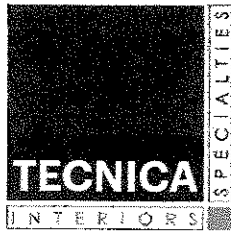
Signature

CARLOS E. SARMIENTO

Printed Name

I understand that if I falsify, misrepresent, or omit any material information on this document, the Commission may revoke any order and will notify the building official of the permitting jurisdiction.

KNOWINGLY MAKING A FALSE STATEMENT IN WRITING WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE PERFORMANCE OF HIS OFFICIAL DUTY IS A MISDEAMEANOR OF THE SECOND DEGREE PURSUANT TO SECTION 837.06 F.S. AND SECTION 775.083, F.S.



PROPOSAL

8300 N.W. 53rd Street, Suite 350 - Doral, FL. 33166 - Ph. 305 742 2114 Fax. 305 742 2115 - CGC 1517566 - info@tecnicainc.com

To: PLAYA DE ORO, LLC..
751 Meridian Ave.
Miami, FL 33139

Project: PLAYA DE ORO, LLC..
751 Meridian Ave.
Miami, FL 33139

Attn: Alejandro Bernal.

From: Camilo Medina

Date: June 27, 2013

Architect: Fineline Eng.

Ph. / Fax: 305-915-5889 / 305-513-5768

Ref: Proposal.

This is a proposal to furnish labor, insurance, supervision and equipment as herein described for the above named Project as per your instructions. Please revise scope of work to insure accuracy.

SCOPE OF WORK FOR TWO STORIES ELEVATOR.

- Demolition
- Debris removal
- Structure up to two stories
- Electrical system as necessary
- Oil trap system
- Plumbing as necessary
- Final construction clean up

Notes:

1. All material as specified.
2. Plans and processing fees are included.
3. Quantities according with pages from Architectural set.
4. All work to be performed at daily time.
5. All trash to be placed in dumpster at job site. Dumpster by Others.
6. Prices valid for 30 days.

Exclusions:

1. Engineering or shop drawings.
2. Providing electrical power and water to job site
3. Repair work caused by others.
4. Warrantee of dimensional measurement given verbally by GC's representatives.
5. Labor for return trips to finish our trades around items not properly schedule before work was completed.

TOTAL PRICE:

TWO HUNDRED FOUR THOUSAND TWO HUNDRED DOLLARS.....\$204,200.00

Acceptance of proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. TECNICA Inc. is authorized to do the work as specified. Initial payment will be 50%, following payments according with job monthly progress until completion of 90% and a final 10% at the completion of the work. It is understood that monthly progress draws not fulfilled by the end of the month, that the invoice is due, will result in manpower reductions and TECNICA Inc. will be held harmless for any project delays.

Accepted by.

Signature.

Title.

Date.

May 30, 2013

PROPOSAL

Alejandro Bernal
751 Meridian Avenue
Miami Beach, FL 33139

RE: Playa de Oro

Dear Mr. Bernal;

Pursuant to your request, we are pleased to submit for your review this proposal for professional services in connection with the abovementioned facility.

Project Description: Two stories elevator.

- Demolition as per plan
- Debris disposal
- Plans and permits
- Plans running labor
- Structure up to two stories as per plan
- Electrical system as per plan
- Oil entrapment mechanism
- Plumbing as per plan

PAYMENT SCHEDULE:

50% Upon acceptance	\$ 93,500.00
25% Upon completion of structure walls	\$ 46,750.00
25% Upon completion	<u>\$ 46,750.00</u>
Total Cost	\$187000.00

NOTE: This quotation is labor only. All materials, plan permits and debris disposal fees are to be paid by owner.

It is our professional opinion that all work as defined on the project description, can be performed within the contract amount specified. In the event that there are changes, we would then re-evaluate the amount of work necessary to complete this phase and revise the contract amount accordingly upon mutual agreement.

We trust this proposal meets with your approval. We welcome any comments or questions, which you may have and we look forward to our continued relationship.

Agreement Between Both Parties

Lazem Development

Accepted By:

Signature

Date