

Sobe Village Condominium WAV# 88

Issue: Vertical accessibility to the second floors.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floors of 2 buildings changing from condos to a hotel. The project consists of remodeling unit #101 to be ADA compliant, make a small condo desk in front of unit #101 and install a new fire sprinkler system with a cost of \$35,000. In the past 3 years only the 1355 Drexel Ave building was remodeled for the total of \$259,000. An estimate of \$208,000 for 2 wheelchair lifts was submitted to substantiate financial costs will be incurred by the owner if the waiver is denied.

Project Progress:

This project is in plan review.

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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Consideration of Accessibility Waiver Applications (cont.):

[Sobe Village Condominium, 440 14th Street & 1355 Drexel Ave., Miami Beach, FL](#) –
Council recommended granting based on economic hardship.

Commissioner Flanagan stated the electronic link is not working to the floor plans and sheets A1 and A2 missing.

Commissioner Schilling entered a motion to defer for additional information requested by the Commission. Commissioner Schiffer seconded the motion. The motion to defer passed with a vote of 12 to 9.