

RITZ CARLTON DILIDO HOTEL

Analysis: The applicant is requesting a waiver from providing vertical accessibility to two elevated sundecks having 1,200 square feet in an overall space of 22,000 square feet. The hotel is licensed to provide food and beverages and service is provided to all patrons regardless of location. No cost estimates were submitted to provide vertical accessibility; however, according to the building official, it would exceed twenty percent of the \$47,000 value of construction to make the areas accessible.

Project Progress:

The project is complete.

Items to be Waived:

Vertical accessibility to two sundecks 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.

This application is available in alternate formats upon request.

**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: Ritz Carlton DiLido Hotel

Address: One Lincoln Road
Miami Beach, FL

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: Mark Ramirez

Applicant's Address: 1441 Lincoln Road, Suite 207 Miami Beach, FL

Applicant's Telephone: 305-305-0855 FAX: 305-754-1136

Applicant's E-mail Address: rambuilders01@yahoo.com


Relationship to Owner: Contractor on project

Owner's Name: Di Lido Beach Hotel Corporation

Owner's Address: One Lincoln Road

Owner's Telephone: (786) 525-0800 FAX: _____

Owner's E-mail Address: MARIO@LIDONSTONE.NET

Signature of Owner: 

Contact Person: Mark Ramirez

Contact Person's Telephone: 305-970-4245 E-mail Address: _____

This application is available in alternate formats upon request.

Form No. 2001-01

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.)

Hotel

This project limits itself to the existing pool deck (See attached copies of architectural drawings)

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

\$47,000.00

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.

Project permitted and in final inspection. It was never noted to

have access to sun bathing platforms. These were originally sunbathing

areas and during the subsequent years were not used.

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

Issue

1: 11-4-1-6 (I)(F) (Florida requires all areas to be accessible - request waiver.)

11.5.4 . Exception (Florida requires all areas to be accessible - request waiver)

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.

The permit was obtained by a mistake of the City of Miami Beach and fully constructed and inspected except final inspection. This area at the original permit was indicated sunbathing on the elevated platform. The pool has licensed drink & food service which allows for a percentage of area. The adjacent pool deck is accessible and has 22,000sf and the two areas we are asking for a waiver has 1,200 SF. This waiver would not diminish or decrease the area of accessibility now and how it was originally permitted

in 12-14-05 and same facilities are provided.
(City of Miami Beach Permit # B0600609.)

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.

See attached letter of explanation.



Signature

Richard M. Pacetti

Printed Name

Phone number (305) 274-9949

(SEAL)

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 7TH day of AUGUST, 20 06


Signature

Mark Ramirez
Printed Name

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/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. FS Section 553.509 Vertical Accessibility to all levels requirement.
- 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. \$ 17000.00

Comments/Recommendation: We recommend that the waiver be granted for the two raised sundecks since all other areas are accessible and making the raised decks accessible will exceed the 20% of the cost of construction.

Jurisdiction: City of Miami Beach

Building Official: 
Signature

Thomas Velazquez
Printed Name

BU00836
Certification Number

(305) 673-7000 Ext 6874 / (305) 5375-7513
Telephone/Fax

Address: 1700 Convention Center Drive, 2nd Floor, Miami Beach, FL 33139

Location: 1 Lincoln Rd., Miami Beach, FL 33139

August 7, 2006

Department of Community Affairs
FLORIDA BUILDING COMMISSION
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

**RE: Request for Waiver from Accessibility Requirements of Chapter 553, Part V,
Florida Statutes**

To Whom It May Concern:

When we were engaged to prepare plans for this project we reviewed the Florida Accessibility Code and determined that the closest definition of use was for this area was Section 11.5 due to this area being licensed to serve food and beverage. Our design indicated stair access to the (2) platforms which had been originally been permitted in the year 2000 when the building was renovated indicating seating. The hotel subsequently modified the(2) platforms and converted these to a dry planters. With our interpretation of Section 11-5, where food and drink are licensed to be served and in paragraph 11.5.4 "In Alterations"; accessibility to raised or sunken areas and to all parts of outdoor seating are **not required**, provided that the same services and uses are provided in adjacent accessible spaces by the general public and not restricted for use by people of disabilities. The following paragraph states "Exception" nothing in this section shall be construed to relieve the Owner from providing vertical accessibility. This was contradictory from the previous paragraph.

The area of the total pool deck is in excess of 22,000 square feet and these (2) platforms equal a total of 1,200 square feet or less that 5% of the total area.

The City of Miami Beach issued the building permit # B 0600609 on December 14, 2005, construction commenced and was complete in July 2006 and in final the inspections it was discovered that ADA compliance was not correct. After a meeting with the City they stated that the only way to alleviate this problem was to request a waiver from the State.

The Owner and our firm are requesting a waiver based on the above statements and that the waiver shall not diminish the area that is not restricted for the general public and people of disabilities.

Sincerely,



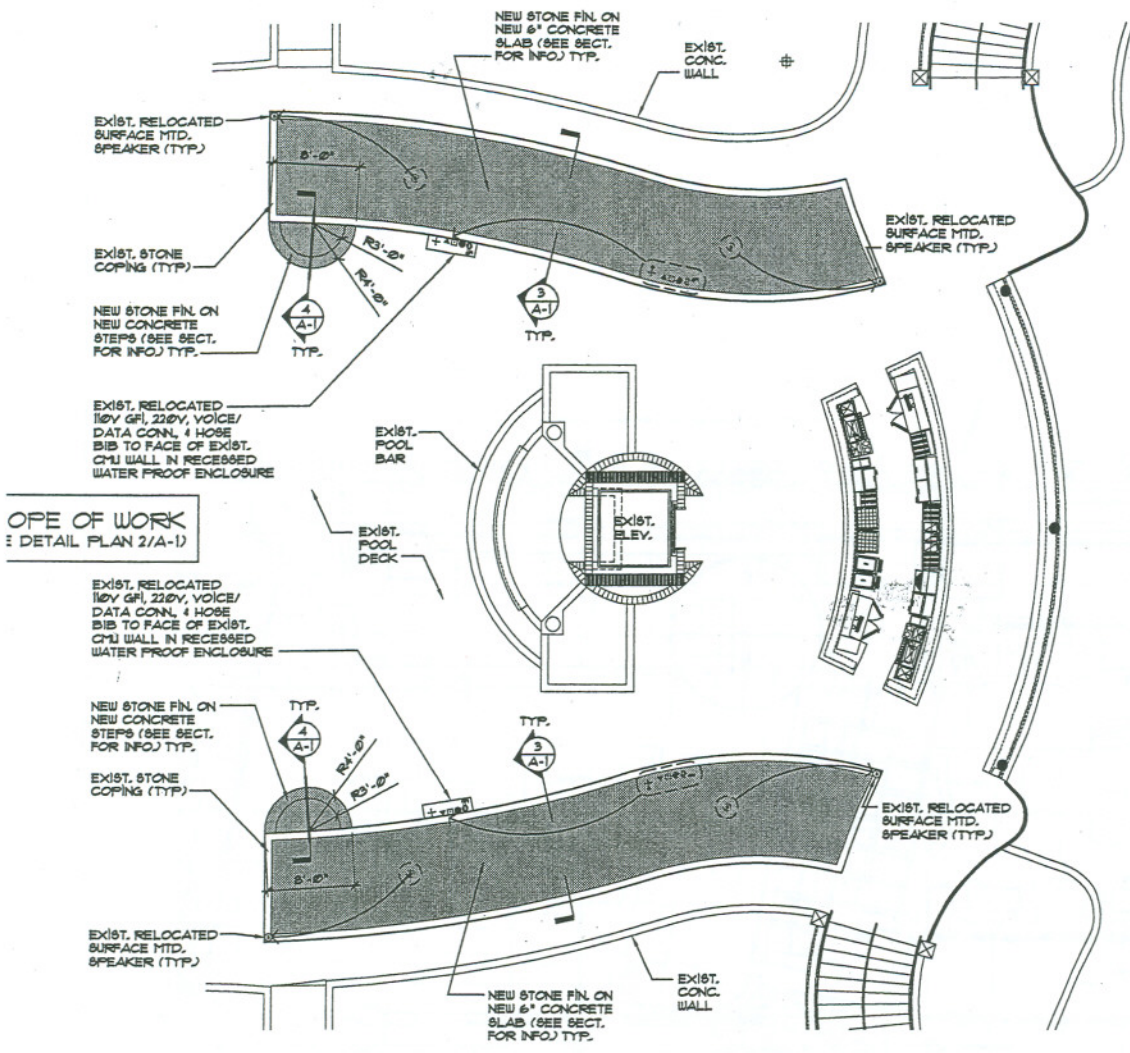
Richard M. Pacetti AR0006417
Pacetti[architects]inc.



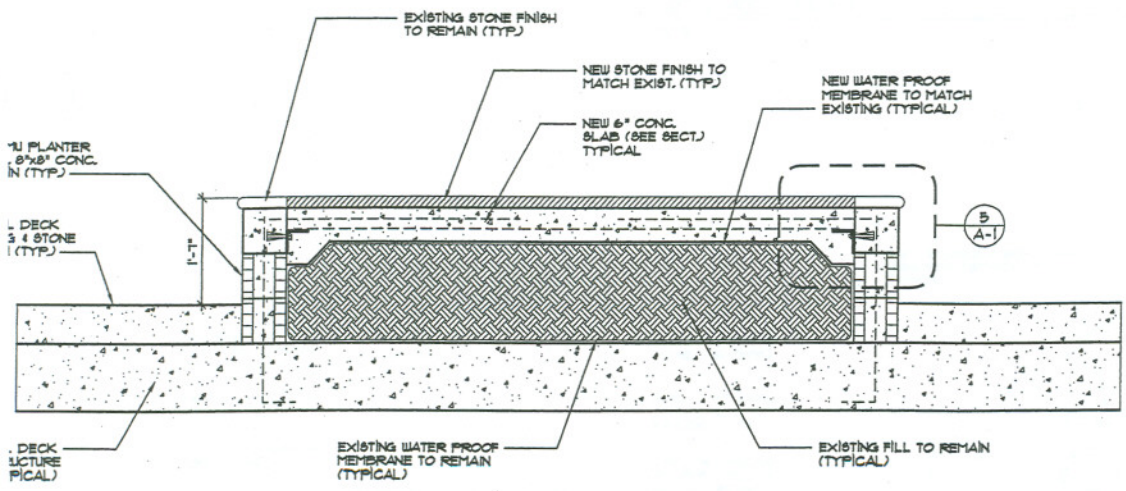
Overall Pool Deck - Partial



Platform Area



2 POOL DECK PLANTER DETAIL PLAN
 SCALE: 1/2" = 1'-0"



3 POOL DECK PLANTER TYPICAL SECTION
 SCALE: 3/4" = 1'-0"

05-23-06 FIRE INSPECTOR COMMENTS



5 DETAIL SECTION
 SCALE: 1 1/2" = 1'-0"

PROVIDE # 4 CONT. STAIR NOBING (TYPICAL EACH STEP)

PROVIDE # 4 DOVEL # 2" O.C. MIN. 3 1/2" EMBED. INTO EXIST. 8" CMU WALL (TYP. TOP & BOTTOM)

4 TYPICAL SECTION AT STAIR
 SCALE: 3/4" = 1'-0"

Pacetti Architects
 ARCHITECTURE
 PLANNING
 INTERIORS
 DESIGN-BUILD

AA0002939

TEL 306 274 8849
 FAX 306 274 8888
 7194 SW 117 AVE
 MIAMI, FL 33183

RICHARD M. PACETTI AR006417 MIAMI, FL 33183

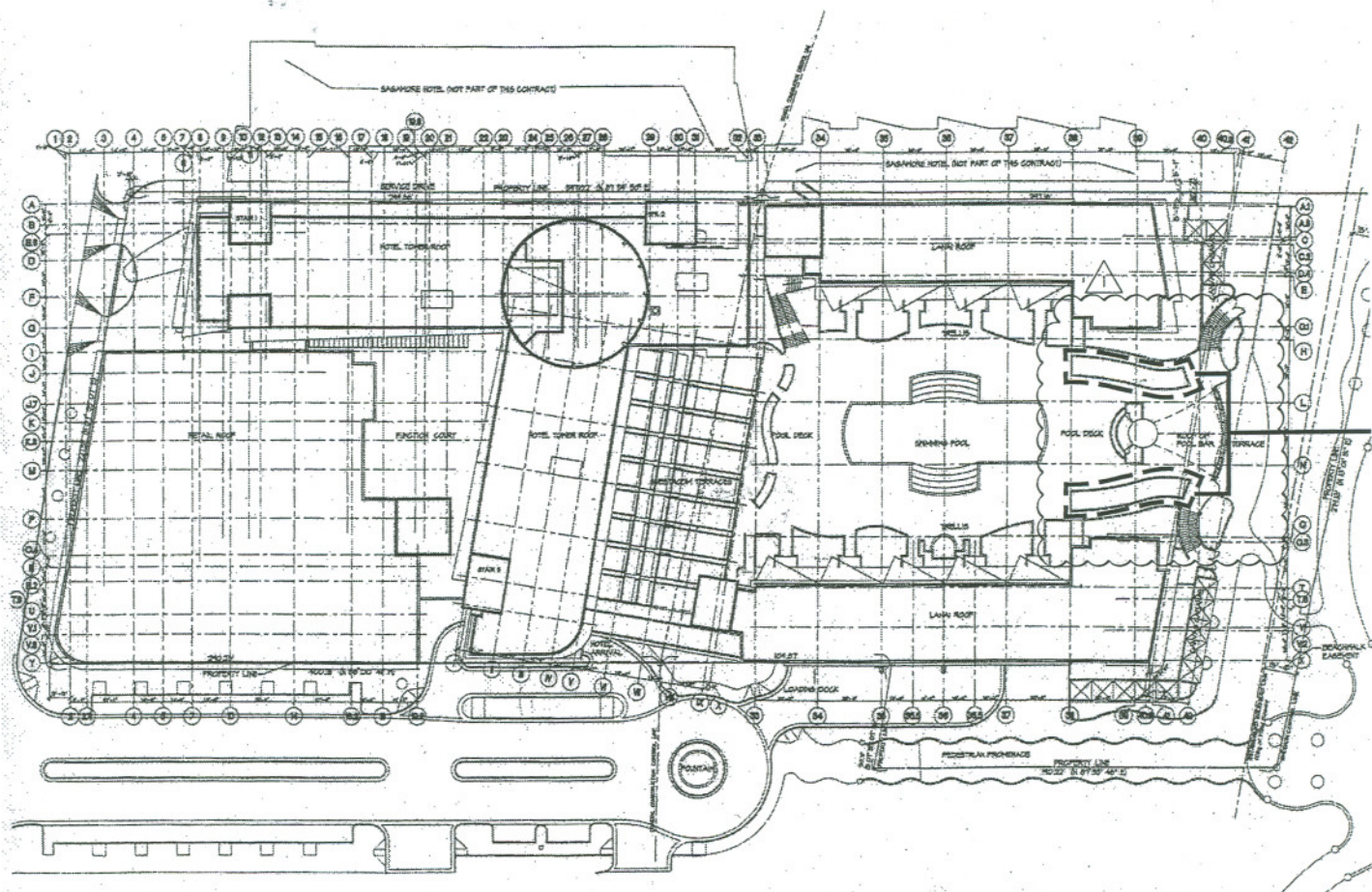
EXTERIOR PLANTER ALTERATION FOR:
RITZ CARLTON DILDO
 ONE LINCOLN ROAD
 MIAMI BEACH, FLORIDA, 33139
 FOLIO # 02-3234-123-0001

SHEET TITLE: PLAN / DETAILS

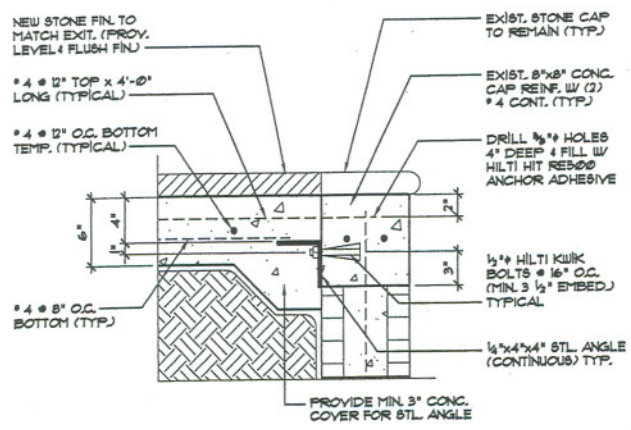
COMMISSION:	05-1446
ISSUE DATE:	10-11-05
REVISIONS:	B-23-06

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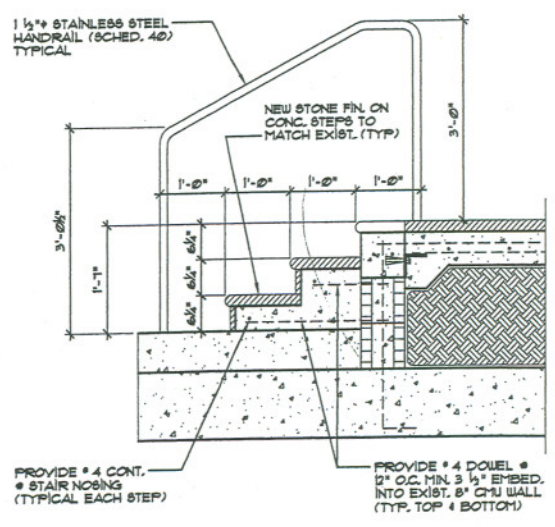
EXI
 CO
 TO 1



1 SITE KEY PLAN
 A-1 N.T.S.



3 DETAIL SECTION
 A-1 SCALE: 1 1/2" = 1'-0"



4 TYPICAL SECTION AT STAIR
 A-1 SCALE: 3/4" = 1'-0"

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