

THE CAMEO THEATER

Issue Vertical accessibility to all seating areas. .

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all raised seating areas in a building on the National Register of Historic Places. Work being done will cost \$370,000 consists of replacing floor and wall finishes and refinishing all of its bars. The exterior of the building will also be cleaned and painted as part of the project. According to the applicant, all work being done is nonstructural and although the majority of the theater is accessible by means of ramps and a wheelchair lift, there are areas that would be impossible to make accessible without damaging the historic aspect of the interior.

Project Progress:

The project is under construction.

Items to be Waived:

Vertical accessibility to all levels, 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: The Cameo Theater

Address: 1445 Washington Ave.

Miami Beach, Florida, 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: 1445 Washington L.P.

Applicant's Address: 1445 Washington Ave., Miami Beach, Florida, 33139

Applicant's Telephone: 305 531 6209 FAX:305 531 1651

Applicant's E-mail Address:ksmith@crobar.com

Relationship to Owner: Tenant

Owner's Name: Zori Hayon

Owner's Address: P.O.Box 191678, Miami Beach, Florida 33119

Owner's Telephone: 786 877 7773 FAX: 305 949 1672

Owner's E-mail Address: zori21@bellsouth.net

Signature of Owner: ZORI HAYON

Contact Person: Orlando Lamas AR93251 Telesco Associates Inc.

Contact Person's Telephone: 786 295 1045 E-mail Address: orlandolamas@gmail.com

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.)

The Cameo Theater building is on the National Register of Historic Places and was designed by Miami Beach Architect Robert Collins. The Cameo opened in 1938 and was designed in the Art Deco style, more specifically the Streamline Moderne sub-genre. The Cameo has been a three level, 18,000 square foot nightclub for over a decade. The Cameo is currently undergoing a non-structural Interior Design project ie: replacing floor & wall finishes and re-finishing of all of it's Bars. The exterior of the building will be cleaned and painted as a part of this project.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): Three Hundred and Seventy Thousand Dollars. (\$370,000.00)

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* 01/17/07
- In Plan Review Completed* Anticipated Completion 01/23/07

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

This Office requested a hearing from the Miami-Dade County Board of Rules and Appeals on behalf of the Tennant (1445 Washington L.P.) and the Owner (Zori Hayon) and was denied a hearing on the issue and referred to the Florida Building Commission which is administered through the Florida Department of Community Affairs. (See denial letter from BORA attached.) The City of Miami Beach Chief Building official and ADA Chief are fully aware of the situation.

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

Issue: Vertical Accessibility

1: The ADA Plans Examiner has requested that all levels of the club be accessible and although the majority of the club is accessible via ramps and an existing wheelchair lift there are areas that would be impossible to access while respecting the building's historic nature.

Issue: Handrails Required

2 The compliant handrails that the ADA Plans Examiner has requested would have to penetrate both a Historic Terrazzo floor and a Vitrolite exterior veneer which is no longer manufactured and Historic Preservation will not allow this, however the Owners have installed an automatic door opener with a pushbutton at the base of the ramp and at the top of the ramp to assist ingress and egress for whoever may need it.

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 Owners are caught between conflicting departments directives of the City of Miami Beach. ADA wants compliance to vertical accessibility and handrails where Historic will not approve. Please see attached plans for locations. The applicant will abide by the decision(s) of the Commission.

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.

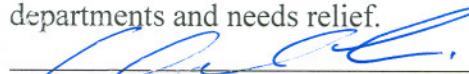
a. _____

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.

This waiver is a must for our client. Our Client is caught in-between the requirements of two City departments and needs relief.



Signature

Orlando Lamas AR93251
Printed Name

Phone number: 786 295 1045

(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 15th day of December, 2007



Signature

Ken Barilich

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.



TELESCO
ASSOCIATES, INC.

Architecture &
Interior Design
for the Hospitality
Industry

FL Lic. # AA-0002884

1111 Kane Concourse
Suite 301
Bay Harbor Islands,
FL 33154

Telephone
305.866.1014

Facsimile
305.866.3317

E-mail
ttelesco@
the-beach.net

Website
www.nightclub-
design.com

Mr. Herminio F. Gonzalez, P.E.
Board of Rules and Appeals
140 West Flagler Street, Suite 1603
Miami, Florida 33130

11/21/06

PROJECT INFORMATION:

The Cameo Theater
1445 Washington Avenue
Miami Beach, FL 33139
Building Permit # B-0700192 (Issued)
Permit Application Date: 10/09/2006
Interior Finish Changes and Bar replacements for existing nightclub
No change of use. No change of Occupancy, No change of Occupant Load
No change of ownership (1445 Washington L.P.)
Construction Type = Type II Protected
Group Occupancy = Existing Assembly (A-2)

- **The Cameo Theater is on the National Register of Historic Places**

Dear: Mr. Herminio;

Telesco Associates Inc. as Architects for the Cameo Theater renovation project hereby request to appear before the Board for the following two reasons:

1. The Chief ADA plans examiner for the City of Miami Beach has requested vertical accessibility in areas where historic elements of the theater would have to be removed or altered in a way which would not be accepted by the Miami Beach Historic Preservation Department.
2. Another ADA plans examiner has requested handrails at the historically designated entry where the Historic Preservation Department of the City of Miami Beach will not allow a terrazzo floor or a vitrolite wall panel to be penetrated.

We are requesting that BORA will intervene and help the ADA department and the Historic Preservation Department come to some form of agreement that will allow the Owner to complete the project (now under construction and scheduled to re-open December 20th, 2006)
A request for documentation from the Building Official and the Historic Preservation departments have been made and are forthcoming after the Thanksgiving Holliday.

Thank you,


Thomas Telesco, President
Telesco Associates Inc.



MIAMI-DADE COUNTY, FLORIDA
MIAMI-DADE FLAGLER BUILDING
BOARD OF RULES AND APPEALS
SUITE 1603
140 WEST FLAGLER STREET
MIAMI, FLORIDA 33130-1563
TELEPHONE: (305) 375-2901

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Secretary
Herminio F. Gonzalez, P.E.

December 4, 2006

Thomas Telesco, President
Telesco Associates, Inc.
1111 Kane Concourse, Suite 301
Bay Harbor Islands, Fl. 33154

**Re: Board of Rules and Appeals Appearance
The Cameo Theater
1445 Washington Avenue**

Dear Mr. Telesco:

This letter is prepared in response to your November 21st letter requesting an appeal before the Board of Rules and Appeals, regarding the Cameo Theater and vertical accessibility and handrails.

The Board of Rules and Appeals does not have jurisdiction on issues that amount to a waiver of accessibility provisions of the Florida Building Code. Request for consideration and review of the provisions of Chapter 11 of the Florida Building Code should be addressed to the Florida Building Commission, which is administered through the Florida Department of Community Affairs.

If you need additional information, please feel free to contact our Office at the above listing.

Sincerely,


Herminio F. Gonzalez, P.E., Secretary
Board of Rules and Appeals

HG:KC:YB

cc: William Derrer, Chairperson, Board of Rules and Appeals
Maria Arista-Volsky, Asst. County Attorney, Board of Rules and Appeals
Thomas Velazquez, Building Official, City of Miami Beach

Pursuant to Section 8-4 of the Code of Miami Dade, Appeals of decisions of the Board within the review jurisdiction of the Florida Building Commission shall be to the Florida Building Commission in the manner prescribed by law. Review of other decisions of the Board shall be to the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, Florida, in accordance with the procedure and within the time provided by the Florida Rules and Appellate Procedure for the review of rulings of any commission or board.



PLANNING DEPARTMENT
Tel: 305-673-7550, Fax: 305-673-7559

November 22, 2006

Mr. Tom Telesco
Telesco Associates
1111 Kane Concourse, Suite 301
Bay Harbor Isles, FL 33154

Re: 1443 Washington Avenue - The Cameo Theatre
Board of Rules and Appeals Waiver

Dear Tom:

As you are aware, a Certificate of Appropriateness has been granted for the substantial renovation and restoration of the above noted structure. Constructed in 1938, the Cameo Theatre is designated contributing in the Miami Beach Historic Properties Database and is within the Flamingo Park Local Historic District and the National Register Architectural District.

The subject structure is an outstanding example of Art-Deco Architecture for a small scaled theatre. Significant exterior features include a vertical center mass with a large expanse of glass block and a decorative relief panel at the top, a rounded corner and a three (3) sided marquee. In addition to these significant exterior features, the subject structure also contains architecturally significant public interior spaces, which are protected under the Historic Preservation section of the City Code. These significant interior features include original balcony rails, terrazzo floor, fluted masonry moulding and a glass block corner window.

In order to preserve the historic structure and interior finishes of the Cameo Theatre, relief from the Florida Building Code will be necessary, as such regulations would require the demolition and alteration of portions of the interior and exterior of the structure, including the original entrance terrazzo. Such demolition would result in a substantial degradation of the historic and architectural integrity of the existing structure.

On behalf of the Historic Preservation Board, the Planning Department fully supports the request for relief from the Florida Building Code.

If you have any questions relative to the historic significance of the existing structure, or you need additional information, please do not hesitate to contact me.

Sincerely,

Thomas R. Mooney, AICP
Design & Preservation Manager

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We are committed to providing excellent public service to all who live, work and play in our vibrant, tropical, historic community.

- a. FS Section 553.509 Vertical Accessibility to all levels required
- 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. \$ 380,000.00

Comments/Recommendation: We recommend that the waiver be granted for the levels that are not accessible since the areas that are accessible are fully in compliance and providing vertical accessibility to all levels will exceed the 20% of the cost of construction due to the amount of work required. In addition, the building is a historical building and the City of Miami Beach Historical Preservation Board supports the request of the relief.

Jurisdiction: City of Miami Beach