

## **SOUTH POINTE PARK**

**Issue:** Vertical accessibility to all rows of outdoor terrace seating.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all 8 rows of seating in an informal outdoor terrace with a seating capacity of 70. The applicant intends to locate two accessible seats on the bottom row and an additional two on the top. The seating is a new component of a \$14,000,000 19 acre passive use park, and the applicant did not feel vertical accessibility should be required in a facility of this nature.

### **Project Progress:**

The project is in plan review.

### **Items to be Waived:**

Vertical accessibility to all rows of seating, 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:** South Pointe Park

**Address:** 1 Washington Avenue 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:** Jorge Chartrand

**Applicant's Address:** City of Miami Beach, Capital Improvements Project Office  
1700 Convention Center Drive, Miami Beach, FL 33139

**Applicant's Telephone:** (305)673-7071 **FAX:** (305) 673-7073

**Applicant's E-mail Address:** jorgechartrand@miamibeachfl.gov

**Relationship to Owner:** Is the City's Representative for the project

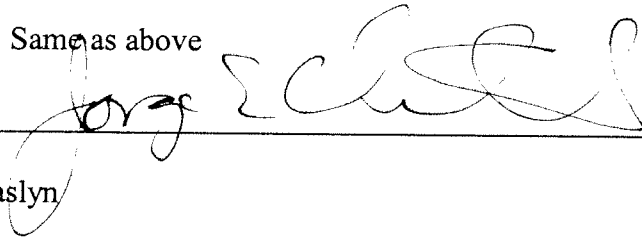
**Owner's Name:** City of Miami Beach

**Owner's Address:** Same as above

**Owner's Telephone:** Same as above **FAX** Same as above

**Owner's E-mail Address:** Same as above

**Signature of Owner:** \_\_\_\_\_



**Contact Person:** Jamie Maslyn

**Contact Person's Telephone:** 212-337-9973 X 5397

**E-mail Address:** jmaslyn@hargreaves.com

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.)

The project is an improvement plan for an existing 19 acre public passive use park. The area for which this waiver being sought is a proposed outdoor terrace that will be adjacent to a new pavilion building. The terrace will be used for informal seating. The terrace is approximately 1300 square feet. The estimated capacity of the terrace is 70 persons; therefore, four wheelchair locations will be provided at the top and bottom of the terrace in accordance with Section 11-4.1.3 (19a).

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \$14 million total project costs for 19 acre site

**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:**

Florida Section 11-4.1.3 (5): *“One passenger elevator complying with Section 11-4.10 shall serve each level including mezzanines, in all multistory buildings and facilities unless exempted below. If more than one elevator is provided, each full passenger elevator shall comply with Section 11-4.10.*

Vertical accessibility shall be provided to all levels above and below the occupiable grade level, regardless of whether the code requires 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. However, as provided in Section 553.509, Florida Statutes, buildings, structures, and facilities must, at a minimum, comply with the requirements of ADAAG. Therefore, facilities subject to the ADA may be required to provide vertical access to areas otherwise exempt under Section 11-4.1.3 (5)(3) of the code.

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.

Wheelchair seating areas have been integrated in the design of the terrace area in a clustered manner at the top and bottom of the terrace. This will provide a choice of seating at the top or bottom and accommodate companion seating at both locations. An accessible egress via a sloping walkway has been integrated into the design to access the top seating area. We believe that an elevator is unnecessary for the design and scale of the seating area.

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

---

---

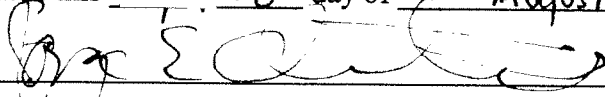
The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

---

**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 28<sup>th</sup> day of August, 2006

  
\_\_\_\_\_  
Signature

Jorge Chartrand  
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.

---

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. \_\_\_\_\_

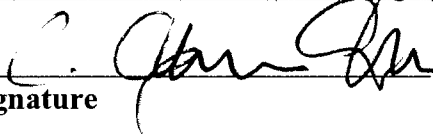
b. \_\_\_\_\_

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.

The Design Team and Client request this waiver because the terraced seating is a small scaled element for informal seating purposes. ADA seating will be provided at the top and bottom levels of the terrace so that seating options are accessible and available.

 Chester Glenn Allen  
Signature Printed Name

Phone number 212-337-9973

(SEAL)

9-26-06

Glady's

**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.

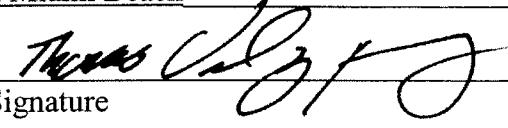
- a. FS Section 553.509 Vertical Accessibility to all levels requirement.
- b. \_\_\_\_\_
- c. \_\_\_\_\_

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. \_\_\_\_\_

Comments/Recommendation: We recommend that the waiver be granted for the informal stadium seating with a capacity of seventy persons at the outdoor terrace. Accessible seating at the top and bottom is proposed and all other areas of the park will be in the accessible route.

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

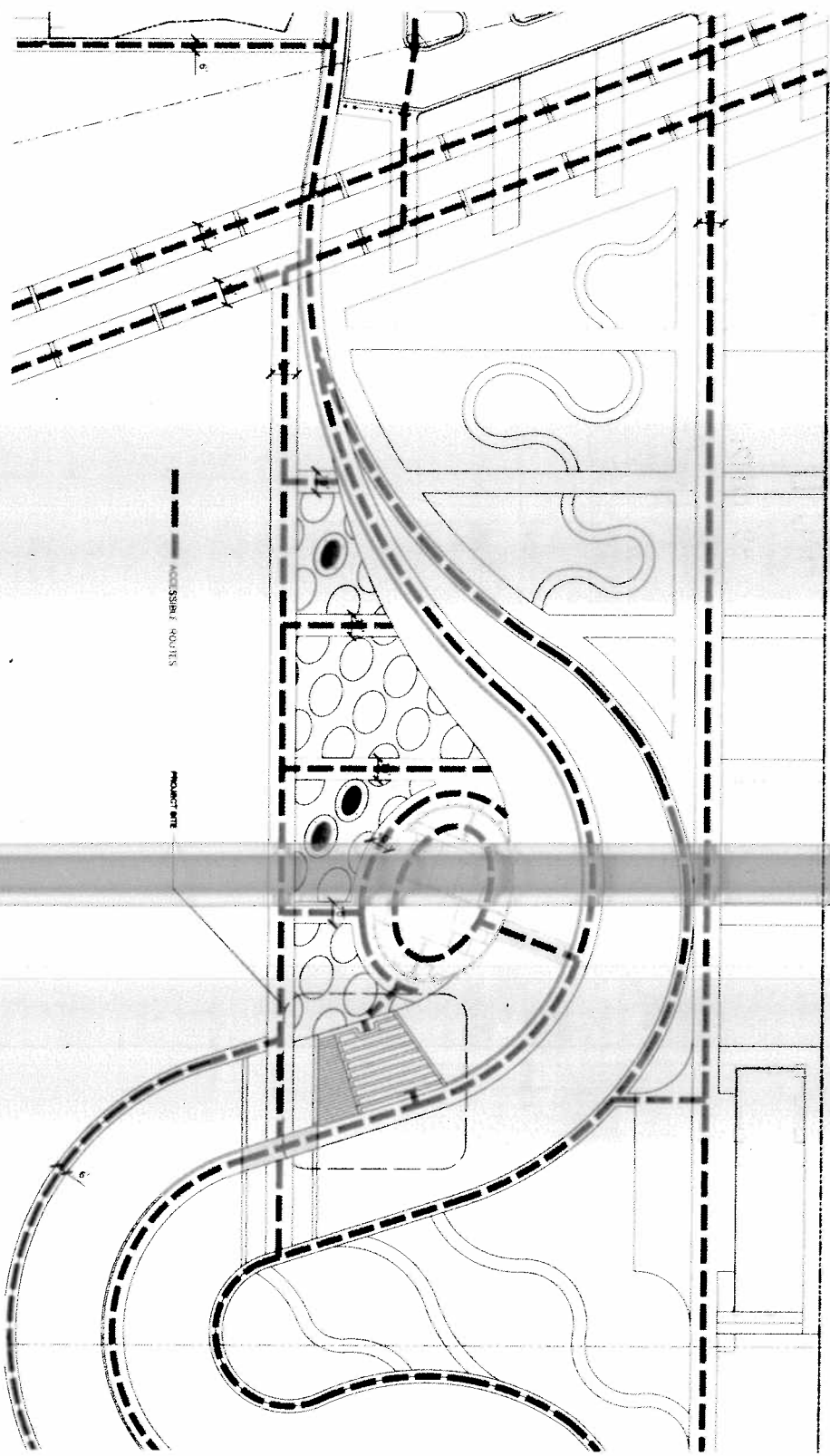
Address: 1700 Convention Center Drive, 2<sup>nd</sup> Floor, Miami Beach, FL 33139

Location: 1 Washington Ave, Miami Beach, FL 33139





PROJECT SITE PLAN



ACCESSIBLE ROUTES

PROJECT SITE

SCALE: 1" = 20' 0"

**SOUTH POINTE  
PARK  
IMPROVEMENTS**  
CITY OF MIAMI BEACH,  
FLORIDA

PROJECT NO. 11-2012  
DATE: 11-2012  
DRAWN BY: [Name]  
CHECKED BY: [Name]

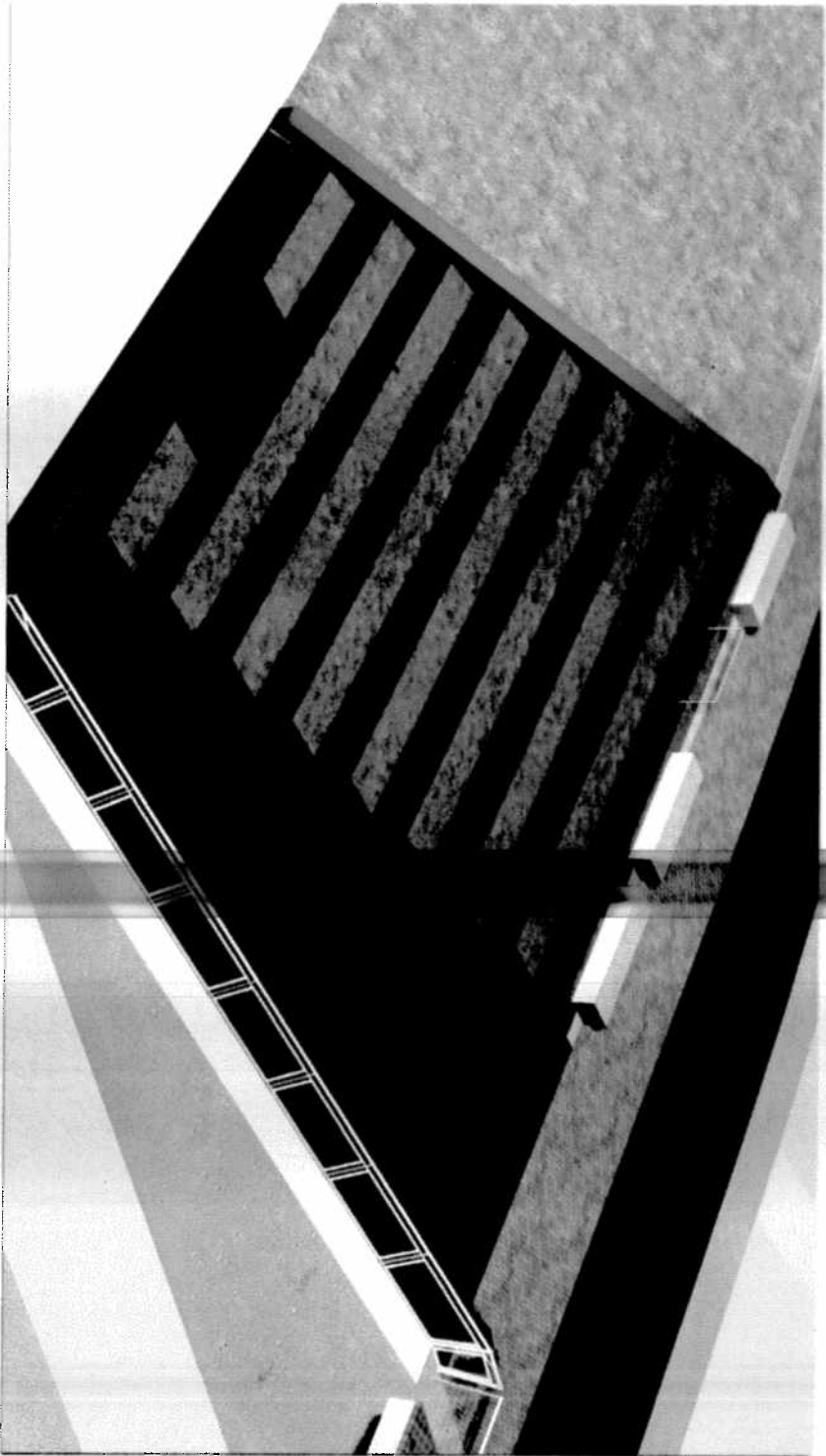
DESIGNED BY: [Name]  
PROJECT MANAGER: [Name]  
CITY ENGINEER: [Name]  
DATE: 11-2012

PROJECT LOCATION: [Address]  
PROJECT AREA: [Area]

PROJECT DESCRIPTION: [Description]  
PROJECT OBJECTIVES: [Objectives]



PROJECT NO. 11-2012  
DATE: 11-2012  
DRAWN BY: [Name]  
CHECKED BY: [Name]



1 BLANCHER RENDERING  
BROSS EYE VIEW

SCALE: 3/8" = 1'-0"

SOUTH PINNACLE  
PARK  
IMPROVEMENTS  
CITY OF MIAMI BEACH,  
FLORIDA

PROJECT NO. 15-0000000-001  
DATE: 08/11/15

City of Miami Beach, Florida  
Department of Public Works  
1300 Biscayne Blvd., Suite 100  
Miami, Florida 33132  
Tel: 305.375.2200  
Fax: 305.375.2201  
www.miamibeach.gov

Architect: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com

Architect of Record: Skidmore, OWINGS & Merrill, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212.512.2000  
Fax: 212.512.2001  
www.skidmore.com


W-3



"Jamie Maslyn"  
<jmaslyn@hargreaves.com>  
01/31/2007 02:02 PM

To <mary-kathryn.smith@dca.state.fl.us>  
cc "Menicucci, Nury" <NuryMenicucci@miamibeachfl.gov>,  
"Gonzalez-Pola, Mario"  
<MarioGonzalez-Pola@miamibeachfl.gov>  
bcc

Subject ADA meeting- South Pointe Park, Miami Beach

History:  This message has been replied to.

Mary Kathryn,  
I appreciate your phone call today clarifying our participation in the ADA Waiver meeting.

I spoke with the City of Miami Beach's Project manager, Nury Menicucci, and we have decided to defer to the March 26 date. I'll be in touch with you as we get closer to the date. For your information, I have copied this email to Nury and Mario Gonzalez-Pola, who is also involved in the project.

In the meantime, would you please send the project summary provided to the Council in December that you mentioned on the phone?

If you have any questions, do not hesitate to contact me.

Best,

**JAMIE MASLYN** senior associate  
jmaslyn@hargreaves.com  
646 437 9969 x5397 T *Direct*

**HARGREAVES ASSOCIATES**  
180 Varick Street Suite 1304 New York, NY 10014  
212 337 9973 T 212 337 9972 F  
[hargreaves.com](http://hargreaves.com)

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.