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To: Department of Business and Professional Regulation
Division of Hotels and Restaurants
Elevator Waiver Review Board

From: Matthew Hyatt, AIA, IIDA, LEED AP BD+C
President, BAI Architecture, Inc.
License Number: AR102668

Date: July 9, 2025

Subject: Request for Accessibility Waiver – Cactus Restaurant, 850 Commerce Street, Miami Beach, FL. Submission
Activity Number: 716-R1

Dear Members of the Accessibility Waiver Review Board,

On behalf of Cactus Restaurant, located at 850 Commerce Street, Miami Beach, Florida, we respectfully submit this formal request for a waiver from the elevator installation requirement, in accordance with Florida Statutes § 399.02(9) and F.A.C. Rule 61C-5.008, under Submission Activity Number 716-R1.

This waiver request is based on the statutory allowance for exceptions where strict compliance would result in unusual hardship, is economically burdensome, and where reasonable alternatives have been explored in good faith.

Unique Hardship Condition – Florida Statutes § 399.02(9)(a)

The proposed mezzanine is located in the rear portion of a building that, while not technically historic, is over a 100 years old. Throughout this process, we've explored several different options for vertical accessibility, an elevator, an machine room-less-elevator, and a LULA lift to see how we can achieve vertical accessibility in this area to meet the Florida Statute. In each circumstance, while a LULA lift unit would be marginally less expensive, all three options require substantial modifications to the existing building structure and envelope. This work includes the following:

- New pile foundations, roof slab, footers, beams, and shear walls to support the elevator and the associated structural integrity of the century old building.
- New masonry for the elevator shaft walls
- Dewatering and waterproofing at the elevator pit
- Temporary shoring
- And concrete removal and associated x-ray scanning to verify the underslab conditions to support the elevator assembly

Additionally, based on where the elevator is required to be in the space to serve the mezzanine, there is a very tight floor to deck height in the area, therefore the overrun for the elevator will overshoot the existing roof resulting in roof penetration and envelope modification. Between the building out of the new roof which includes metal roofing, temporary roofing solution to protect the construction within new exterior stucco, along with flashing and waterproofing, this result in extensive envelope modifications. Vertical accessibility to the proposed mezzanine requires complex structural, civil, and envelope modifications to load bearing building components that need to be performed in a narrow alley 3 blocks from the ocean in Miami Beach.

Separately, we are subject to Design Review Board approval. This roof alteration would be a significant departure from the existing hip roof architecture that this building has featured for 100 years and may end up becoming an issue as part of that approval, primarily given this façade of the building has residential abutters. The required modification of the roof will delay and potentially derail the project and associated permitting.

Lastly, the addition of vertical transportation and required accessible clearances disrupts key programmatic components below that are also required to be accessible (manager's office and employee lockers). In order to avoid impact on life safety components which includes an accessible egress door connecting to an exterior ramp, this modification to the manager's office and employee lockers has a compounding impact in the dining area substantially reducing the overall seating count (and overall covers) in the space which, in turn, affects the overall project feasibility.

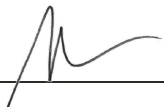
Conclusion

Based on the unique structural limitations and technical infeasibility, we respectfully request a waiver under the authority of Florida Statutes § 399.02(9) and F.A.C. Rule 61C-5.008, pursuant to Submission Activity Number 716-R1.

Enclosed are supporting materials to substantiate this request:

- Architectural feasibility report
- Structural feasibility report
- Diagram studies of elevator and lift options
- Letter from the building owner

Thank you for your time and consideration.

Submitted: 
Matthew Hyatt, AIA, IIDA, LEED AP
President, BAI Architecture, Inc.
License Number: AR102668

Date: July 9, 2025

cc: Joe Vecchione AIA, Associate, Senior Architect, BAI Architecture, Inc.
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