

## **THE NEW HOTEL**

**Issue:** Vertical accessibility to all floors of a hotel.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor of a hotel that is undergoing a \$336,900 alteration. The project will also include construction of an adjacent spa and restaurant building that will be completely accessible. An elevator or lift cannot reasonably be installed because of site constraints, local regulations and incompatibility with the historic character of the building. The first floor is fully accessible with an accessible route, guest rooms, seating area and toilet facilities.

### **Project Progress:**

The project is in plan review.

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

Vertical accessibility to the second floor of an existing building, 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: \_\_\_\_\_ The New Hotel \_\_\_\_\_

Address: \_\_\_\_\_ 7337 Harding Ave. \_\_\_\_\_

\_\_\_\_\_ Miami Beach, FL 33141 \_\_\_\_\_

**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: \_\_\_\_\_ Ann Castellano \_\_\_\_\_

Applicant's Address: \_\_\_\_\_ P.O. Box 402541 Miami Beach, FL 33140 \_\_\_\_\_

Applicant's Telephone: \_\_\_\_\_ 305-333-9014 \_\_\_\_\_ FAX: \_\_\_\_\_ 305-754-1353 \_\_\_\_\_

Applicant's E-mail Address: \_\_\_\_\_ acastlia@aol.com \_\_\_\_\_

Relationship to Owner: \_\_\_\_\_ Self \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's Telephone: \_\_\_\_\_ FAX \_\_\_\_\_

Owner's E-mail Address: \_\_\_\_\_

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

Contact Person: \_\_\_\_\_ Ann Castellano \_\_\_\_\_

Contact Person's Telephone: \_\_\_\_\_ 305-333-9014 \_\_\_\_\_ E-mail Address: \_\_\_\_\_ acastlia@aol.com \_\_\_\_\_

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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). - - NOTE: Building is included in the Miami Beach "North Shore Historical District" which was nominated in 2007 and expected to achieve designation by May 2008.

**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.)

Boutique Hotel / Restaurant / Spa

Existing Building (built in 1937)– apartment bldg converted to Hotel, 2 story, 1833 s.f. per floor, 10 units

New Building – 1 story, 435 s.f. Kitchen, 493 s.f. Spa (2 rooms), small reception, 2 bathrooms

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** Renovation of existing building \$336,900, New Construction \$255,650,  
Total \$592,550

**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.

The City of Miami Beach Accessibility Section has requested vertical accessibility  
to each of the 2 levels (floors) of the existing Hotel building under renovation.

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 Statutes 553. 509 Vertical Accessibility to all levels / 2004 FBC 11-4.1.3 (5)

**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.

see attached for explanation

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

8.

**[X] The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.**

The Accessibility Dept. of the City of Miami Beach has required vertical accessibility to all levels of the 2-story building (Hotel). The only way to access the second floor would be by means of an elevator or LULA lift.

1. The Elevator or LULA lift cannot be positioned on the property in a manner that does not create another set of mitigating conditions:
  - a. If placed in the interior Lobby, while not only comprising the structural integrity of this 1937 historic building, it would leave no space for a Lobby area which is required by the City of Miami Beach for all Hotels.
  - b. Therefore, it was placed at the left of the entrance to the Hotel allowing accessibility to the second floor and submitted for Plans Review. In Plans Review with the Fire Dept. at the City of Miami Beach, the lift was found to be a fire exposure and must be moved 10 ft. away from the door or NOT be hydraulic. In a review by the Elevator dept. at the City of Miami Beach, only hydraulic lifts are allowed.
  - c. The only other place that it could be placed on the property in order to satisfy vertical accessibility is in the middle of the exterior Lobby and restaurant seating area. This area not only threatens the historic significance of the building by placing the lift in the center of this historic property and altering the façade but it also creates a barrier to the path of travel for all Hotel guests and restaurant and spa patrons.
2. The elevator or LULA lift would threaten the historic significance of the building.
3. Accessibility and alterations to the path of travel have been ensured to the maximum extent possible throughout the building by providing the following:
  - a. Accessible entrance – which was designed by creating a sloped grade with a ramp leading to the entrance. The entire site will be raised to the entrance level (by 3 ft to address this) and filled in. (FBC 11-4.8.1, 11-4.8.5(1-6), 11-4.8.7, 11-4.5, 11.4.13.3)
  - b. 1 accessible Hotel room (FBC 11-9)
  - c. 1 hearing impaired Hotel room (FBC 11-9)
  - d. One accessible restroom for each sex (in the new restaurant/spa building)
  - e. Accessible routes from the entrance to the property to the entrance of the Hotel and to all publicly used spaces are provided
  - f. Accessible seating is provided for the restaurant

\_\_\_\_\_  
\_\_\_\_\_

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. \_\_\_\_\_  
\_\_\_\_\_

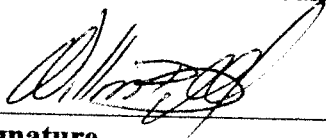
c. \_\_\_\_\_  
\_\_\_\_\_

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.

There are two options for the location of the Elevator or LULA lift. Interior or Exterior location:

1. Interior Location: Due to existing space constraints the installation of the Elevator or LULA lift inside the building will not allow enough space for a Lobby/Reception area which is a City of Miami Beach requirement for all hotels.

2. Exterior Location: The location, scale and design of the Elevator or LULA lift alters the historic character of the building's façade.

  
\_\_\_\_\_  
**Signature** William B Medellin \_\_\_\_\_  
**Printed Name**

**Phone number** 305-672-8381

**(SEAL)**

**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 or 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. Florida statutes 553.509 Vertical Accessibility to all levels requirement. / 2004 FBC 11-4.1.3(5)

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: \$ 592,550.00 (Cost of the Proposed Renovation \$336,900.00; Cost of Proposed Addition \$255,650.00)

**Comments/Recommendation** We recommend that the waiver be granted. The 1<sup>st</sup> floor is fully accessible and with accessible route, accessible seating areas, accessible rooms and accessible bathrooms. The building has less than three stories and less than 3,000 sq ft per floor.

Jurisdiction City Of Miami Beach

Building Official or Designee \_\_\_\_\_  
Signature

Gladys N. Salas, PE  
Printed Name

PX0001401  
Certification Number

305-673-7610 ext. 6888/ 786-394-4087  
Telephone/FAX

Address: 1700 Convention Center Dr. Miami Beach, FL 33139, 2<sup>ND</sup> Floor.

**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.

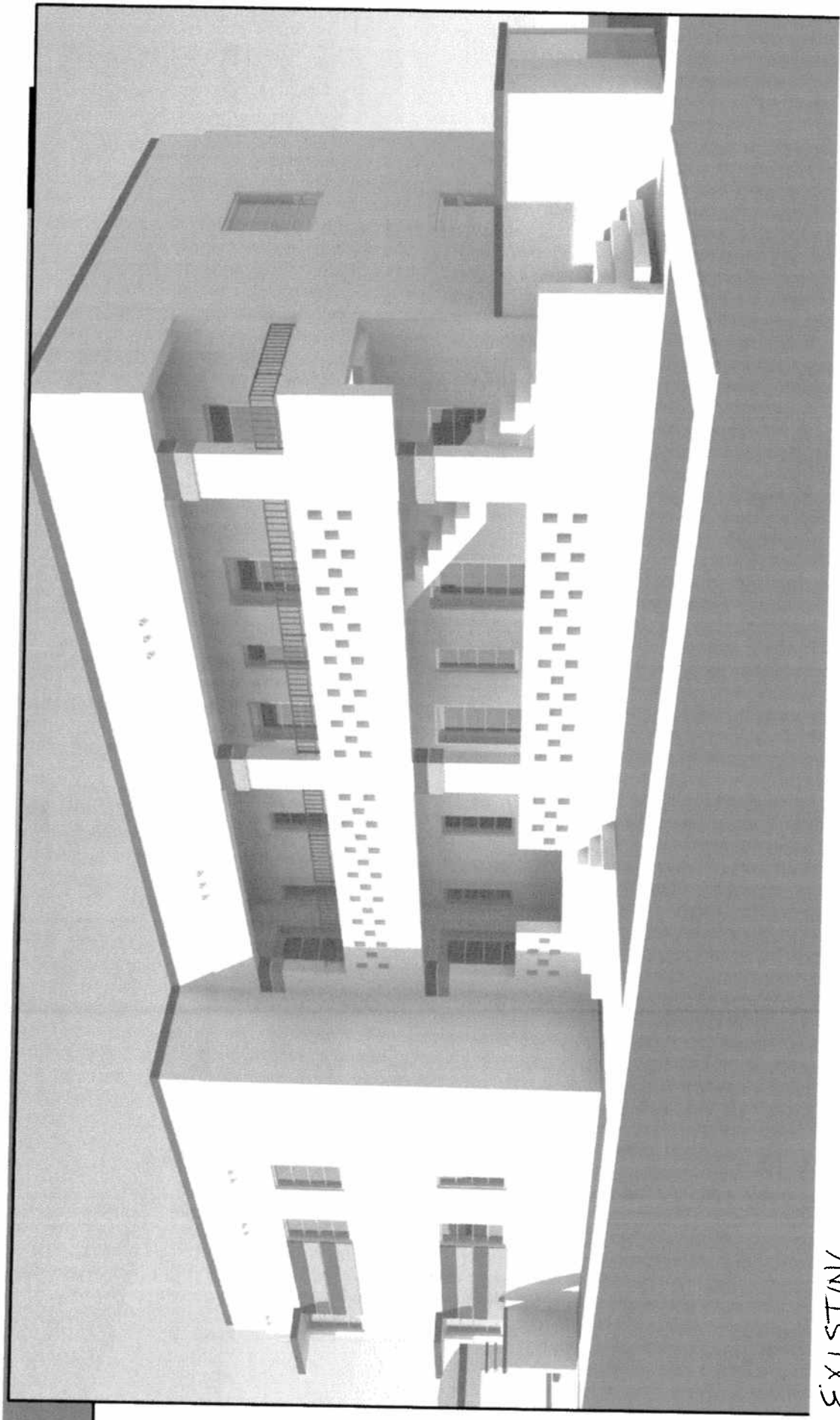
Dated this 12th day of February, 2008

Ann Castellano  
Signature

Ann Castellano  
Printed Name

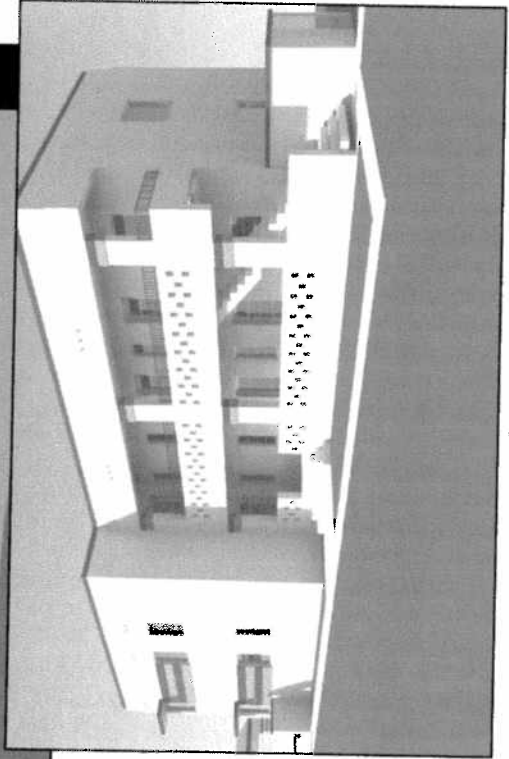
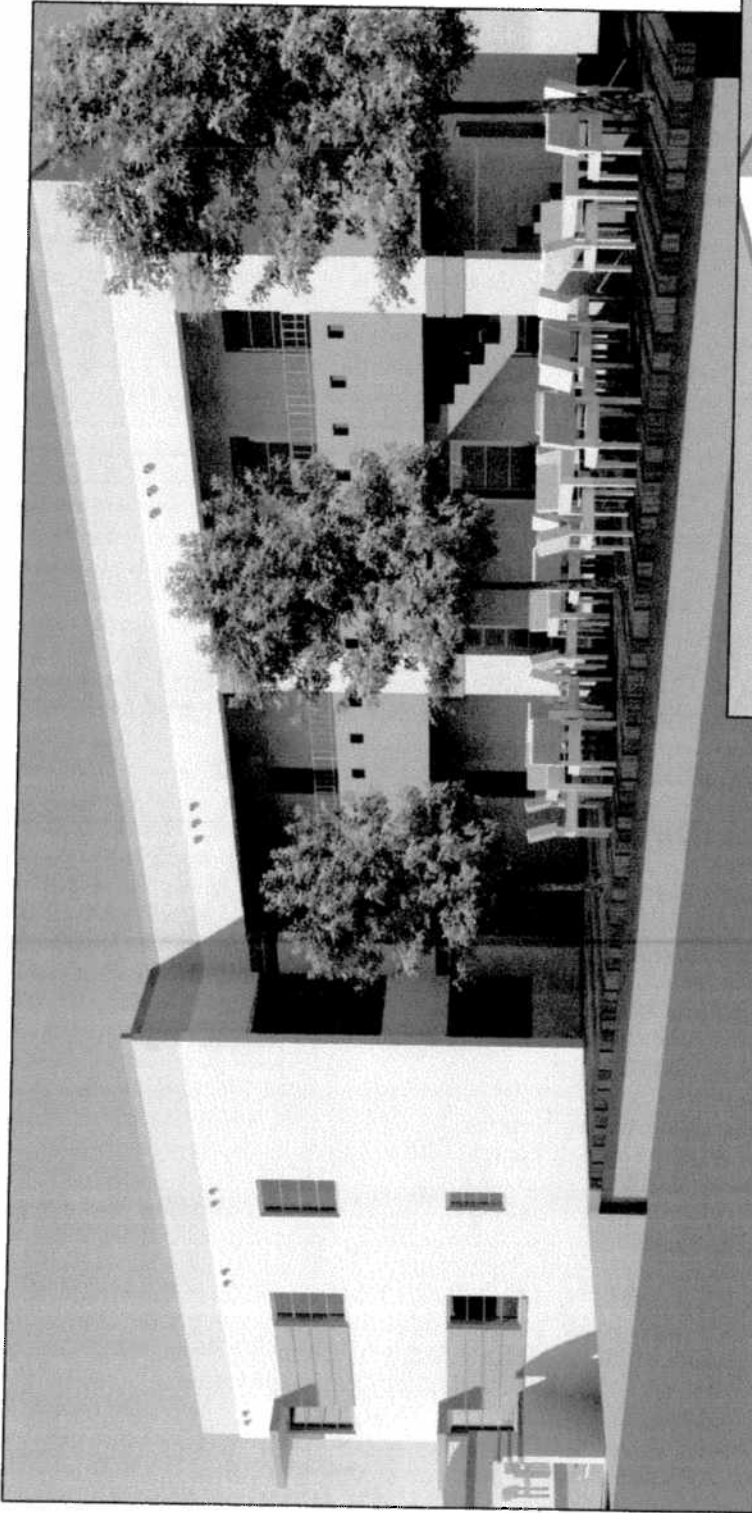
By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.





EXISTING

THE NEW HOTEL  
MINI DESIGN

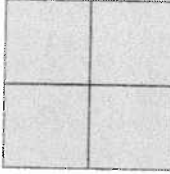


THE NEW HOTEL  
 ANNA CASTELLANO  
 7337 Harding Avenue

ANNA CASTELLANO  
 OWNER

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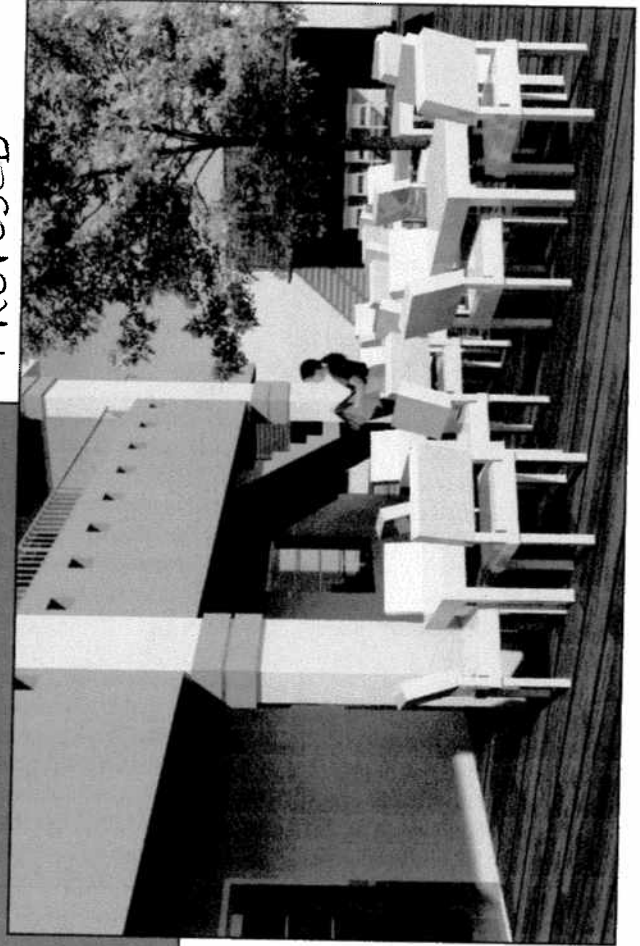
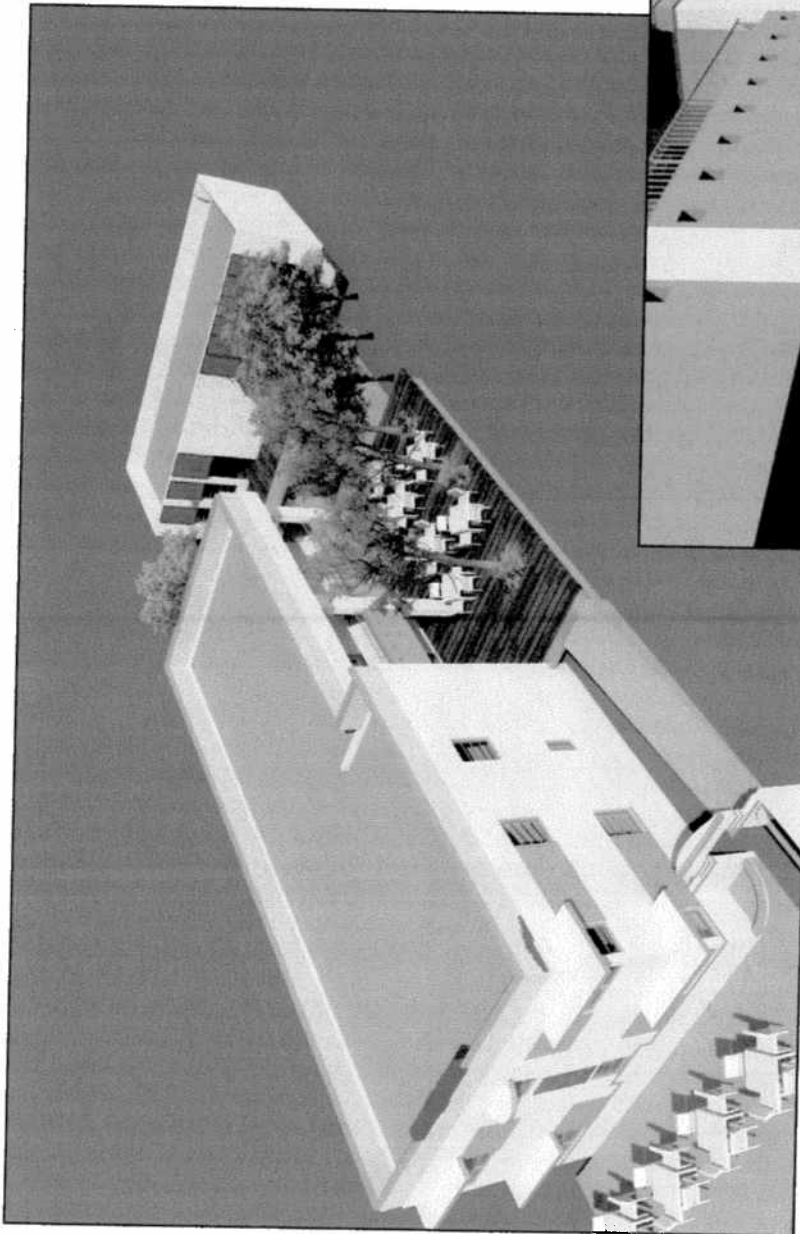
4040 ne 2nd avenue suite 411  
 Miami, Florida 33137  
 Tel: 305.578.1182 Fax: 305.576.1781



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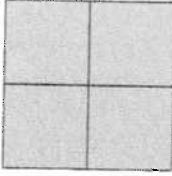
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PROPOSED

THE NEW HOTEL  
 ANNA CASTELLANO  
 7337 Harding Avenue  
 OWNER

ANNA CASTELLANO  
 OWNER



Aponwaodesign

4040 SW 2nd Avenue Suite 411  
 Miami, Florida 33137  
 Tel: 305 376 1257 Fax: 305 376 1788

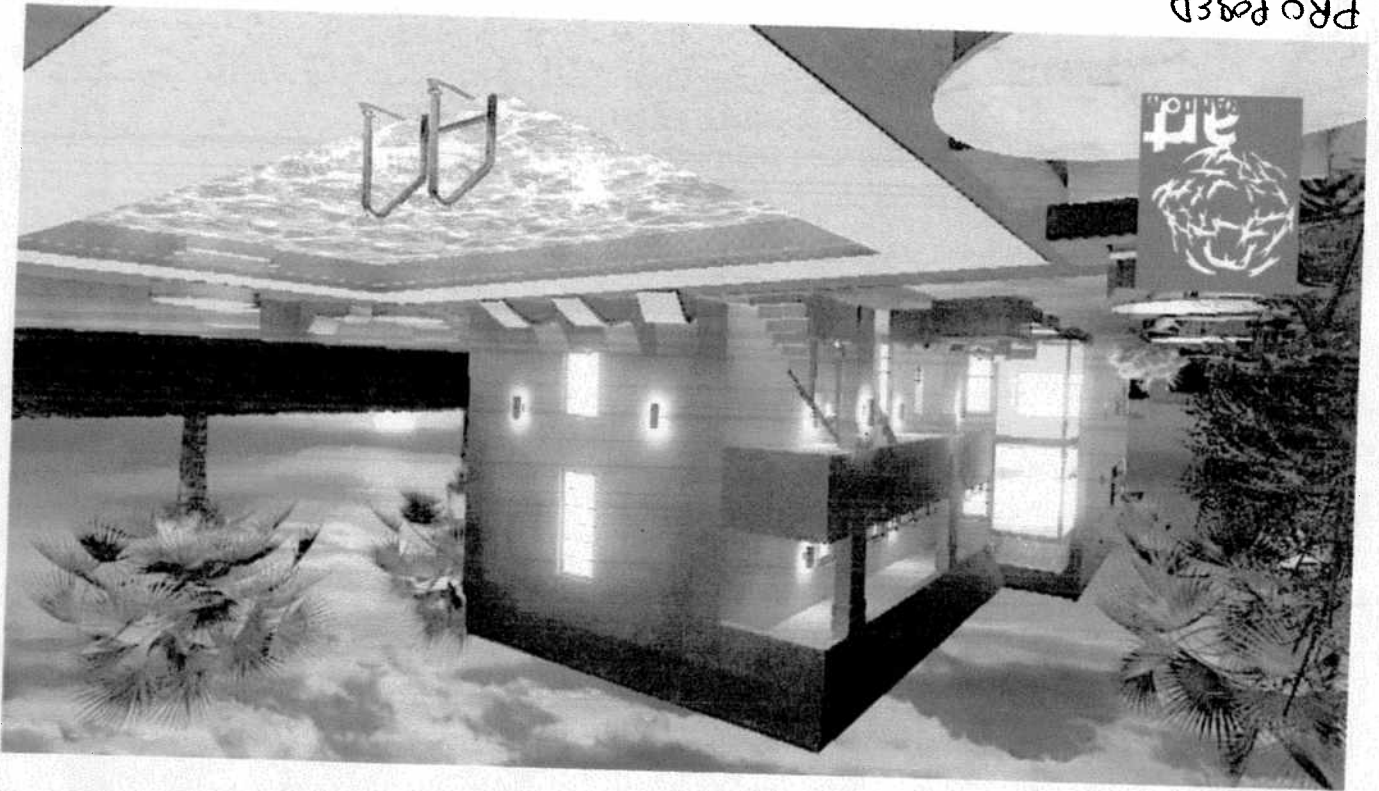
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THE NEW HOTEL

PROPOSED



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