

EDEN ROC HOTEL

Issue: Accessible ramp from a hotel guest room to a balcony.

Analysis: The applicant is requesting a waiver from providing a ramp having a 1:12 slope from a guest room to the balcony. There is sufficient room for the appropriately sloped ramp; however, the balcony does not have enough room to include the required 72" clear space at the bottom of the ramp. The applicant would prefer to waive the room entirely, but stated if a 1:10 slope is allowed, the 72" space can be provided or to allow only 48" and maintain a slope of 1:12. However, the applicant maintains if either option is permitted, the balcony still would not meet all accessibility requirements because of space and structural constraints. The project is undergoing a \$25,000,000 alteration and the application indicates it would cost a additional \$15,000,000-20,000,000 to reconfigure all balconies so they are in full compliance.

Project Progress:

The project is under construction.

Items to be Waived:

72" clear space at the bottom of a ramp run., as required by Section 11-4-8.2 and 11-4-8.4.

11-4-8-2 Slope and Rise: The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1 to 12. Existing buildings or facilities may have slopes and rises as allows in 11-4-1.6(3) if space limitations prohibit the use of a 1 to 12 slope or less.

11-4.8.4 (1) All landings on ramps shall be not lews than 60 inches clear ands the borrom of each ramp shall have not less than 72 inches of straight and level clearance.

**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: Eden Roc Hotel

Address: 4525 Collins Avenue

Miami Beach, FL 33410

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: Eden Roc LLLP

Applicant's Address: 848 Brickell Ave., Suite 700, Miami, FL 33131

Applicant's Telephone: 305-377-1001 FAX: 305-377-4113

Applicant's E-mail Address: martin.dix@akerman.com

Relationship to Owner: Owner

Owner's Name: Eden Roc LLLP

Owner's Address: 848 Brickell Ave., Suite 700, Miami, FL 33131

Owner's Telephone: 305-377-1001 FAX 305-377-411

Owner's E-mail Address: diego@keyinternational.info

Signature of Owner: _____

Contact Person: Diego Ardid and Martin R. Dix

Contact Person's Telephone: 305-377-1001 E-mail Address: diego@keyinternational.info
Martin R. Dix Telephone: 850-224-9634 E-mail Address: martin.dix@akerman.com

2. The ADA requires that the owner provide a fully accessible unit for each room type. The City classified the east wing rooms with the 12" drop and 5" drop at the balcony as a separate room type and therefore required one of these rooms to be fully accessible. The owner proposed room 10-003 as the accessible room and detailed this room to have a folding 12' ramp (in order to meet the required 1:12 slope ratio for the ramp), but discovered that although there was enough room to install the ramp, the length of the room did not allow for a 6' space at the bottom of the ramp. Therefore we request a waiver to having one of these rooms be accessible. It is not technically feasible to make this room fully accessible. The applicant instead proposes that the accessible room come from a different room type.

The applicant has made other rooms fully accessible and provides the number of accessible rooms required by Section 9 of the ADAG and Section 553.504, Florida Statutes. The total number of rooms in the existing hotel is 350. Of these, 8 will be designed to be fully accessible; 3 designed as fully accessible with roll in showers; 7 as special accessible; 8 as hearing impaired.

Alternatively, we ask that the Commission grant a waiver to either: (1) the slope of the ramp to allow a 1:10 slope so that the applicant can meet the required 6' of space after the ramp or (2) the distance after the ramp to allow less than 6' of space required such that the applicant can allow only 4' of space after the ramp. If either of these options are chosen, we still cannot make the balcony fully accessible because of space and structural constraints.

Issue

3: _____

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

347,252 square feet

14 floors

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

APPROXIMATELY \$25,000,000

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 has requested that the applicant make certain changes to the design of the proposed alteration in order to comply with what its interpretation of the Florida Building Code as relates to accessibility. Certain of the rooms (as depicted in the plans and photos), have a change in elevation which prevents them from being readily accessible by the disabled. The City has asked the applicant to make all of these rooms accessible in the event that a disabled

person wishes to visit a guest there and has asked that the applicant designate one of these rooms as an accessible room. For the reasons explained in Section 7, this is not achievable.

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

Issue

1: Certain rooms have step down at the entryway and a step down at the balcony and the rooms that have this feature are not fully accessible because of the change in elevation both within the room and the balcony. The applicant and the City of Miami Beach have determined that it is technically infeasible to make these rooms fully accessible. The City of Miami Beach has raised two issues as follows.

Issue

FS. 558.509

2: 1. The City has asserted that the ~~ADA~~ code requires all floor levels to be accessible. Since there is a 12" drop in level on the four rooms on each of 10 floors and a 5" step down on the balcony for ten rooms on each of ten floors, the City raised a concern that a person visiting a guest in this room would not be able to get to the bedroom where the step occurs. The cost of making all of these rooms accessible would be technically infeasible and we ask that to the extent that it is a requirement that all such rooms be made accessible, that this requirement be waived.

The cost is an additional \$15-\$20 million to make the structural changes necessary to make these rooms accessible. We do not believe that the Florida Building Code requires us to make all ~~40~~ of these ⁴⁰ rooms accessible. As described below, there is not additional room to install ramps in these rooms and remain in compliance with the Florida Building Code the applicant should not be required to install ramps in all 40 of these rooms.

levels

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.

There is inadequate space to install ramps which meet the Florida Building Code (see description in number 7). Even if the ramps could be installed, the balconies could not be made accessible without demolishing the building.

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

The Eden Roc hotel was designed and constructed approximately 50 years ago. This architecture is viewed by the City of Miami Beach as worthy of retaining. The change in level cannot be remedied without demolishing a substantial amount of the building envelope. The cost of such construction is estimated to be between \$15-\$20 million.

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.

Cost estimate: \$15,000,000 - \$20,000,000 for changing the elevation in all of these rooms.

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. See attached.

b. See attached.

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.

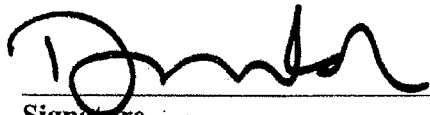
The Eden Roc Hotel is a historic structure in Miami Beach. While not specifically designated, because of its historic significance within the City, the City has asked that the alterations be done consistent with the existing architecture and design.

The City has asked the applicant to make all 40 rooms that have the change in elevation accessible. The building is old and additional weight (for raising the floors) could not be done without demolishing the building. There is a significant cost to such demolition (\$15-\$20 million). While 40 ramps could be installed, we do not recommend this for a number of reasons.

1). The applicant is providing the number of accessible rooms required by the Florida Building Code and adding these ramps is not required; 2. the ramps cannot be constructed to code because there is inadequate space to address the room needed for both the ramp and the landing area; 3. Adding 40 additional ramps in these rooms is inconsistent with the historic architecture. There is no way to make the balconies accessible without demolishing the hotel. To the extent that the Florida Building Code requires that the 40 rooms be made accessible, the applicant will require a waiver in order to obtain approval from the City.

The City has also asked the applicant to designate one of these rooms as an accessible room. In order to make the room accessible, it will be necessary to install a ramp 12 feet long. There is not additional room at the end of the ramp for the required 6' landing. The applicant will need a

waiver to either 1). designate another room that does not have an elevation change as an accessible room; 2) install a ramp with a 1:10 slope instead of the 1:12 required slope; or 3. allow a 4' landing instead of the required 6' landing.



Signature

DON WOLFE

Printed Name


Phone number 705 443 5206

(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 19 day of February, 20 08


Signature

Diego Ardid
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 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. _____

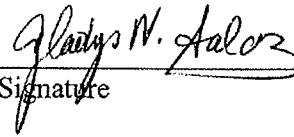
c. _____

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: \$13'943,127.00

Comments/Recommendation We recommend that the waiver be granted with the condition that at least two of units with balconies be made accessible. Providing vertical accessibility to each level to the east wind units is technically infeasible due to existing constrains and the cost of making the levels accessible will be disproportionate to the overall cost of construction. In the proposed renovation accessibility to all public and common used areas otherwise has been provided.

Jurisdiction City Of Miami Beach

Building Official or Designee 
Signature

Gladys N. Salas, PE
Printed Name

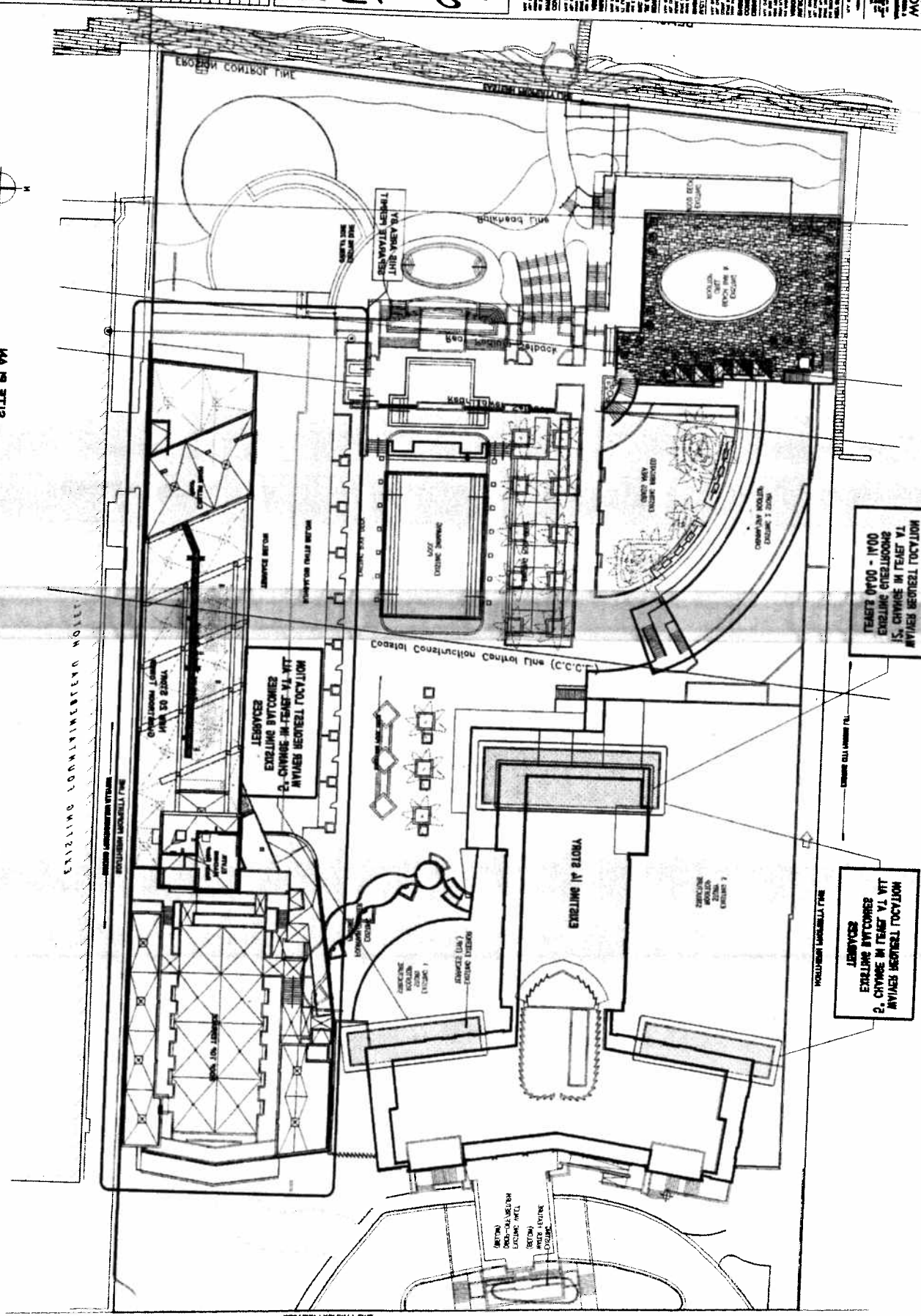
PX0001401
Certification Number

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

Address: 1700 Convention Center Dr. Miami Beach, FL 33139, 2ND Floor.

ADDITIONS AND ALTERATIONS
MOBILE
 MOBILE BEVCH' FLORIDA
 1322 COLLEGE AVENUE
 MOBILE, AL 36688

THESE PLANS WERE PREPARED BY THE ARCHITECT AND ENGINEER FOR THE PROJECT DESCRIBED ABOVE. THE ARCHITECT AND ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROJECT SITE NOR HAS HE CONDUCTED A VISUAL SURVEY OF THE EXISTING CONDITIONS AT THE PROJECT SITE. THE ARCHITECT AND ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE EXISTING CONDITIONS AT THE PROJECT SITE. THE ARCHITECT AND ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE EXISTING CONDITIONS AT THE PROJECT SITE.



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