

## **FAIRWIND HOTEL**

**Issue:** Vertical accessibility to six units in a 78 room hotel.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to six units in a 78 room historic hotel that is undergoing an alteration. According to the applicant, the local historic preservation officer will not permit the installation of a LULA on the exterior of the building as it would damage the significance of the historic façade. It is not feasible to install the LULA on the rear of the building because of constraints due to property set backs. The footprint of the LULA is greater than the available land. The applicant is not claiming financial hardship, but structural impracticability.

**Project Progress:** The project is in plan review.

### **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.

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: Fairwind Hotel  
Address: 1000, 1020 & 1030 Collins 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: Ocean-Fairwind, LLC  
Applicant's Address: 605 Lincoln Rd. #320, Miami Beach, FL 33139  
Applicant's Telephone: 305-777-7373 FAX: 305-777-7389  
Applicant's E-mail Address: ccallen@oceansideresorts.net  
Relationship to Owner: \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
Owner's Address: \_\_\_\_\_  
Owner's Telephone: \_\_\_\_\_ FAX \_\_\_\_\_  
Owner's E-mail Address: \_\_\_\_\_  
Signature of Owner:  Claire Callen, Manager  
Contact Person: Michelle Kohler & Robert Fine  
Contact Person's Telephone: 305-777-7378 (MK) 305-579-0826 (RF)  
E-mail Address: michelle@oceansideresorts.net & FineR@gtlaw.com

**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.)

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78 room historic hotel that will include retail and restaurant space

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**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** Total Project Costs \$18,000,000

**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.

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

**Issue**

1: \_\_\_\_\_ Section 553.509, Florida Statutes; Section 11-4.1.6(1)(f), Florida Building Code (2004)  
to certain areas of the building(s).

**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.

This is a unique historic restoration which makes it difficult to provide vertical accessibility to all levels of all buildings. Please see design professional statement.

\_\_\_\_\_

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. Cost of providing equipment to provide vertical accessibility is not the hardship basis for this waiver request.

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.

Please see attached Design Professional's Statement

Signature

Printed Name

Phone number 305-438-0609

(SEAL)

Department of community affairs  
Accessibility Advisory Council  
FLORIDA BUILDING COMMISSION  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

REFERENCE: Fairwind Hotel Accessibility Waiver

Letter from Architect of record:

The Fairwind Hotel is a renovation, rehabilitation and expansion project to the existing historic hotel site located at 1000 - 1030 Collins Ave. in Miami Beach. We respectfully request that the Florida Building Commission and its Accessibility Advisory Council grant us a waiver from the requirement of Florida Statute section 553.509 that states that every level of a building must be wheelchair accessible because of hardships we face to accommodate wheelchair lift access to the six hotel units in the historic 1020 / 1030 building. We have several constraints that are preventing us to accommodate these lifts and we feel that we can appropriate greater accommodations with wheelchair accessibility in other areas of this combined historic site.

The first constraint is from the Historic Preservation Board of Miami Beach, which does not permit us to block the view corridor between the existing historic 1020 / 1030 building, which meant that we could not add an elevator or even a LULA elevator in this space because of the size it would take up. Also, we were not permitted to add this type of structure to the south elevation of this building since this would be considered unacceptable to historic guild lines of the site; this façade is visible to the courtyard and the public in this location. Because of these constraints, we then explored adding a LULA elevator structure in the side setback of the north boundary of the 1020 / 1030 building. Because of property line set backs which is 5'-0" and the smallest acceptable LULA needs at least 6'-9 1/2" there was insufficient space to provide a LULA (placing a LULA in the setback would require a variance which we would have pursued had there been sufficient space for LULA). We explored placing the LULA inside the envelope of the existing building but since the room sizes of these units are small, it is not possible to place a LULA and have a functional room.

In summation, we have explored numerous ways to provide vertical accessibility to the areas of the project for which we are seeking a waiver. We make it our goal in every project to equally distribute hotel unit types to all. Unfortunately, some situations arise in historic buildings that do not afford us the opportunity to create access to all levels as a new structure can. Please consider our hardships as you review this application.

Sincerely,



Allan T. Shulman, AIA, LEED™ AP

Seal

ALLAN T. SHULMAN ARCHITECT, P.A.

**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 23<sup>rd</sup> day of MAY, 2007

Signature

Claire Callen, Manager, Ocean-Fairwind LLC

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. \_\_\_\_\_
- 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** \_\_\_\_\_

\_\_\_\_\_

Jurisdiction \_\_\_\_\_

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

\_\_\_\_\_  
Printed Name

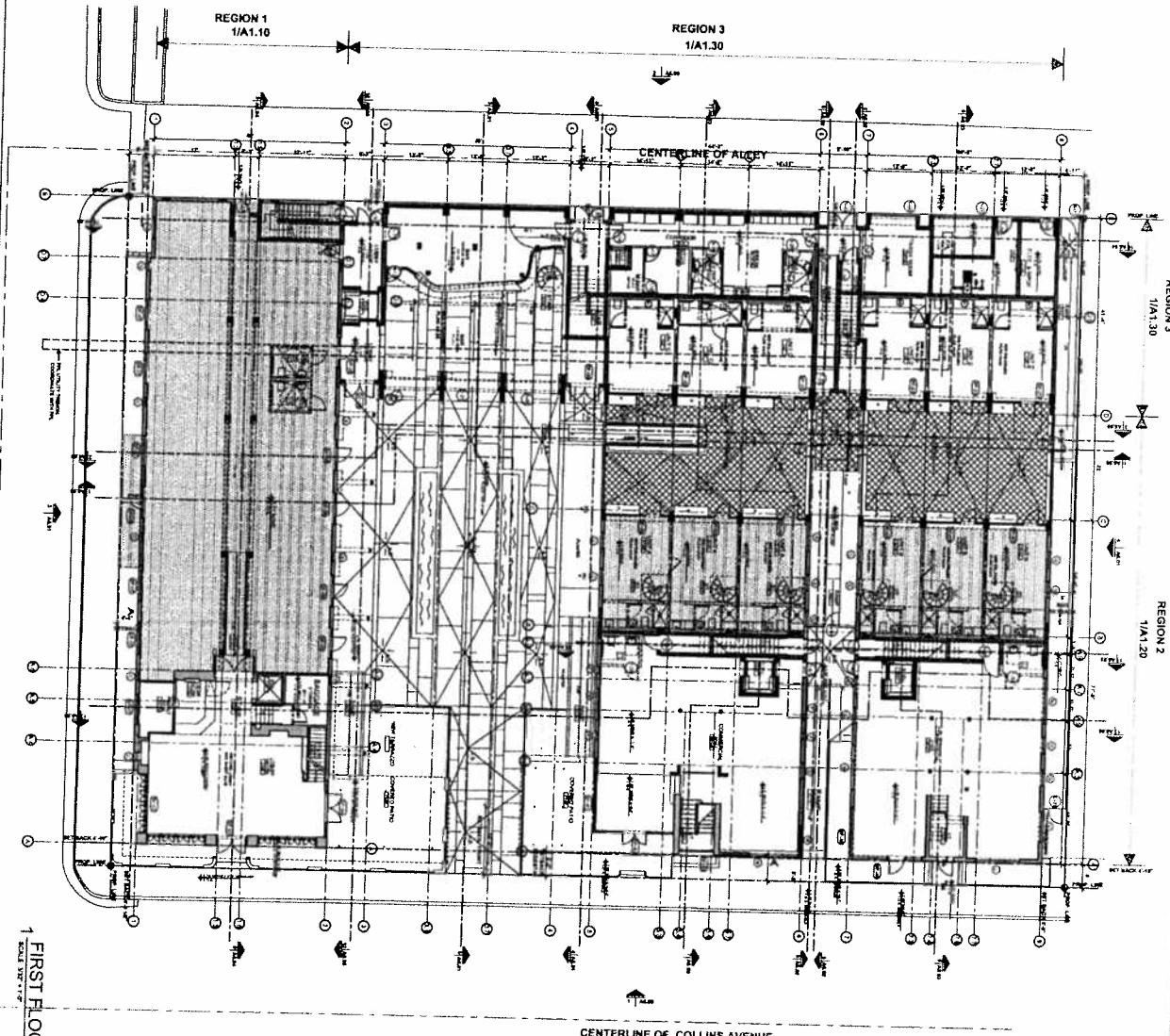
\_\_\_\_\_  
Certification Number

\_\_\_\_\_  
Telephone/FAX

Address: \_\_\_\_\_

\_\_\_\_\_





1 FIRST FLOOR PLAN  
SCALE 1/8" = 1'-0"



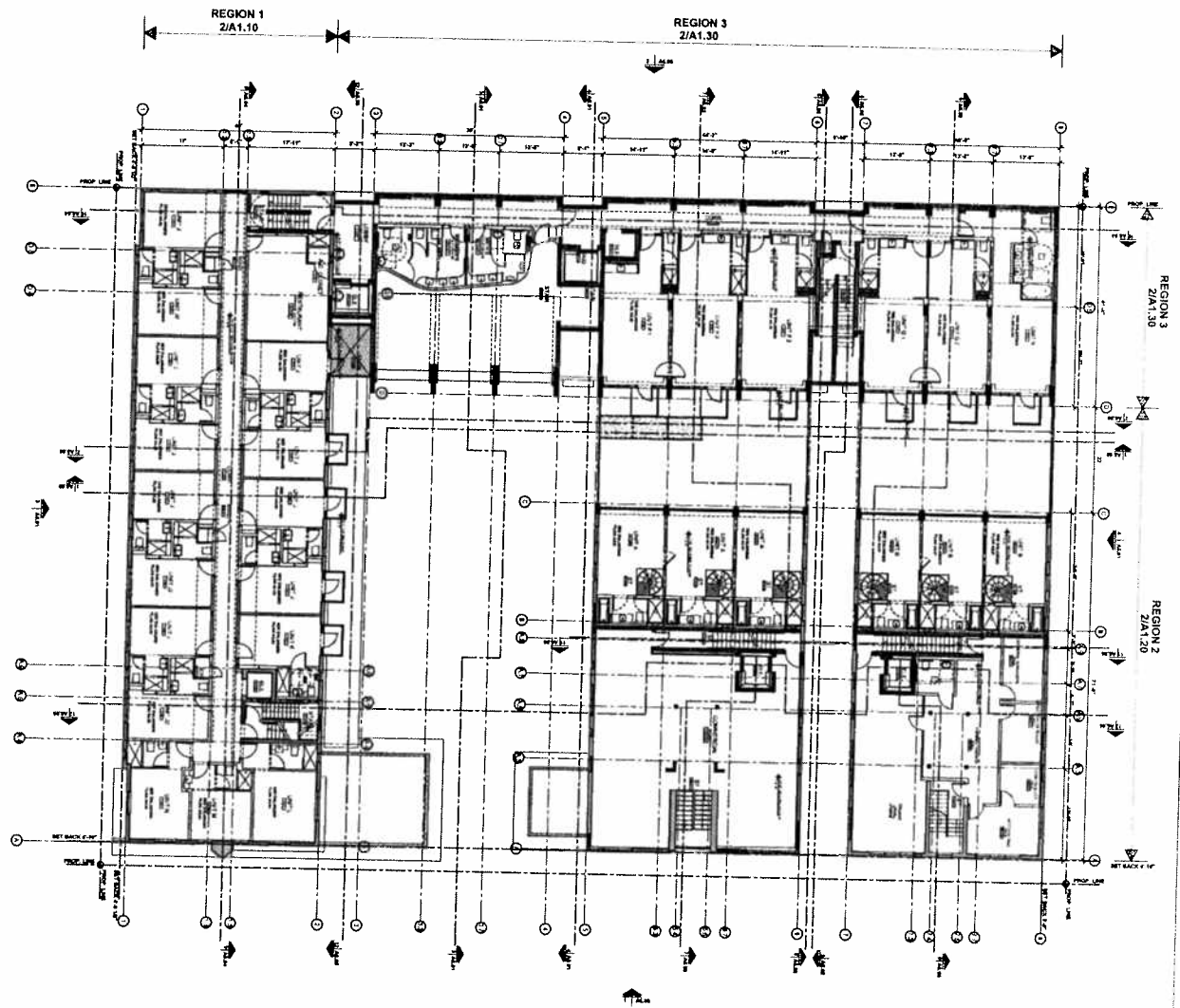
A-1.01		
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**FAIRWIND HOTEL**  
1000-1030 COLLINS AVENUE, MIAMI BEACH  
DESIGN DEVELOPMENT



ALLAN T. SHULMAN ARCHITECT, P.A.  
(AR 0012783)  
90 NORTHFLAMING STREET  
MIAMI, FLORIDA 33133  
PHONE (305) 438-0690  
FAX (305) 438-0170

1 SECOND FLOOR PLAN  
SCALE 1/8" = 1'-0"



A-1.02

DATE: 10/10/00  
DRAWN BY: [Name]  
CHECKED BY: [Name]

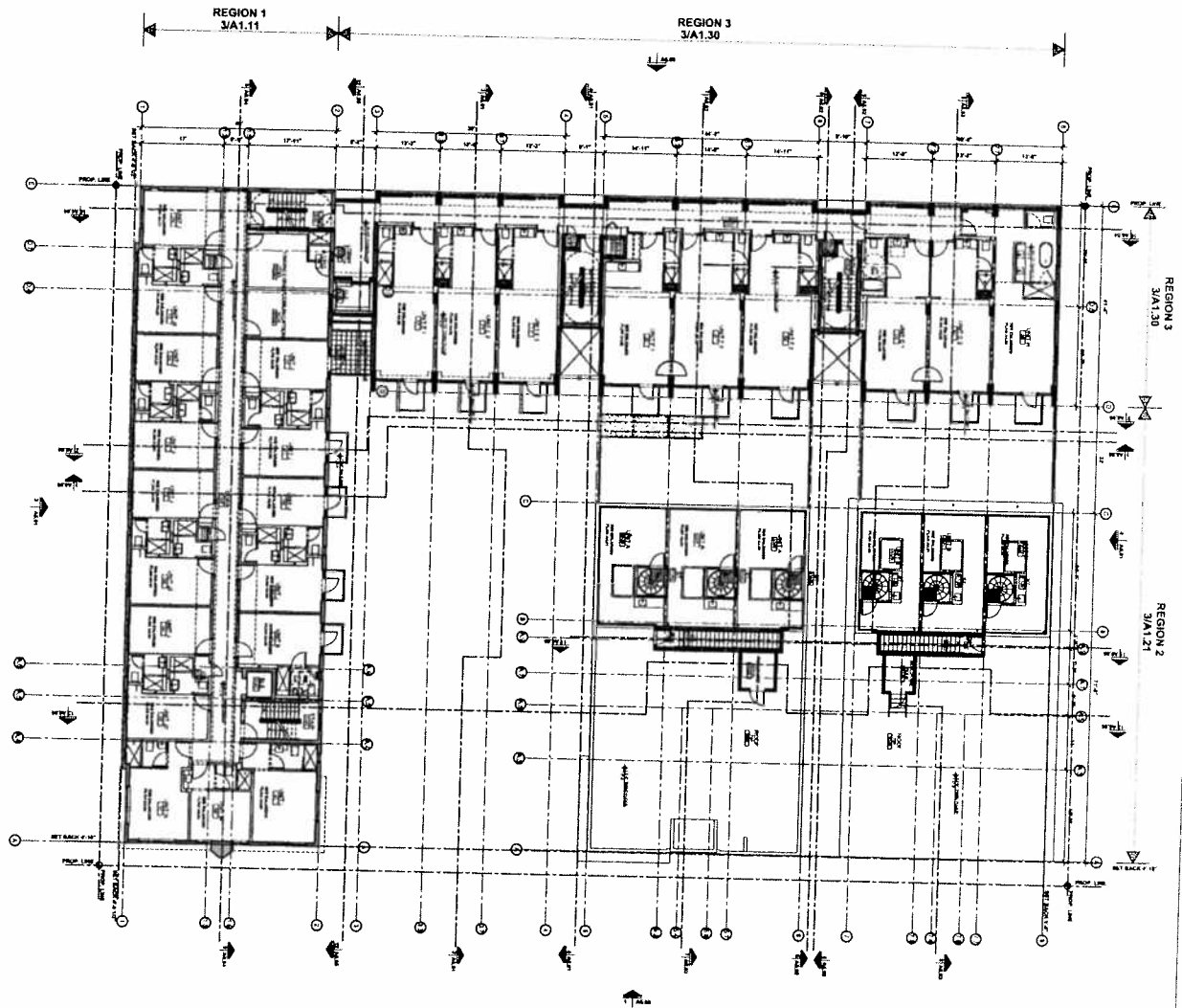


FAIRWIND HOTEL  
1000-1030 COLLINS AVENUE, MIAMI BEACH  
DESIGN DEVELOPMENT



ALLAN T. SHULMAN ARCHITECT, P.A.  
(A.R. 0012763)  
90 NORTH EAST BLVD  
MIAMI, FLORIDA 33137  
PHONE: (305) 438-0000  
FAX: (305) 438-0170

1 THIRD FLOOR PLAN  
SCALE 3/8" = 1'-0"



A-1.03

DATE: 08/08/08  
BY: [Signature]

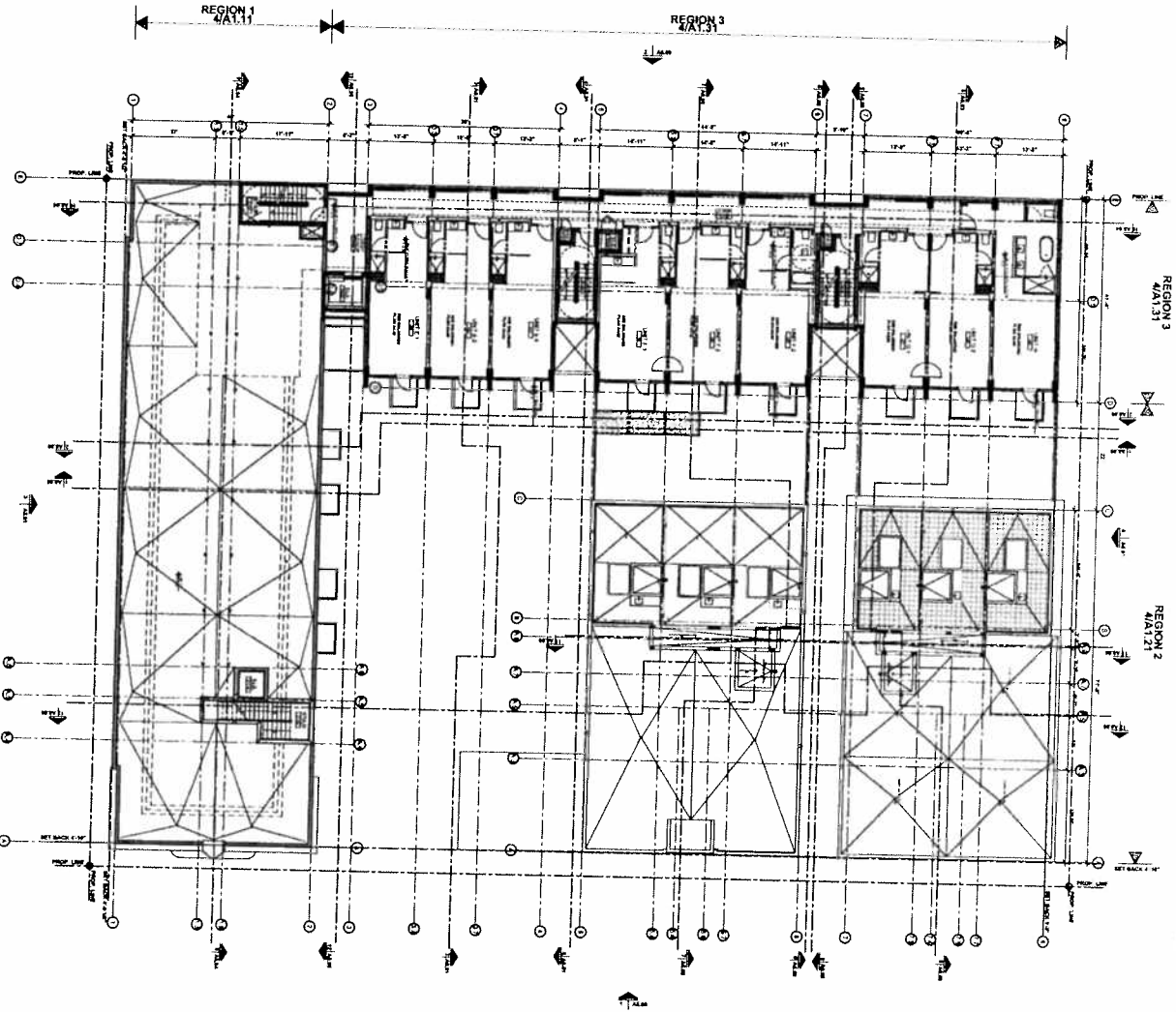
1000-1030 COLLINS AVENUE, MIAMI BEACH  
DESIGN DEVELOPMENT

**FAIRWIND HOTEL**  
1000-1030 COLLINS AVENUE, MIAMI BEACH  
DESIGN DEVELOPMENT



ALLAN T. SHULMAN ARCHITECT, P.A.  
(AR 0012763)  
80 W. HARTZELL BLVD. STE. C  
MIAMI, FLORIDA 33137  
PHONE: (305) 438-4066  
FAX: (305) 438-0170

1 FOURTH FLOOR PLAN  
SCALE 3/8" = 1'-0"



A-1.04

DATE: 10/10/00  
DRAWN BY: J. SHULMAN  
CHECKED BY: J. SHULMAN

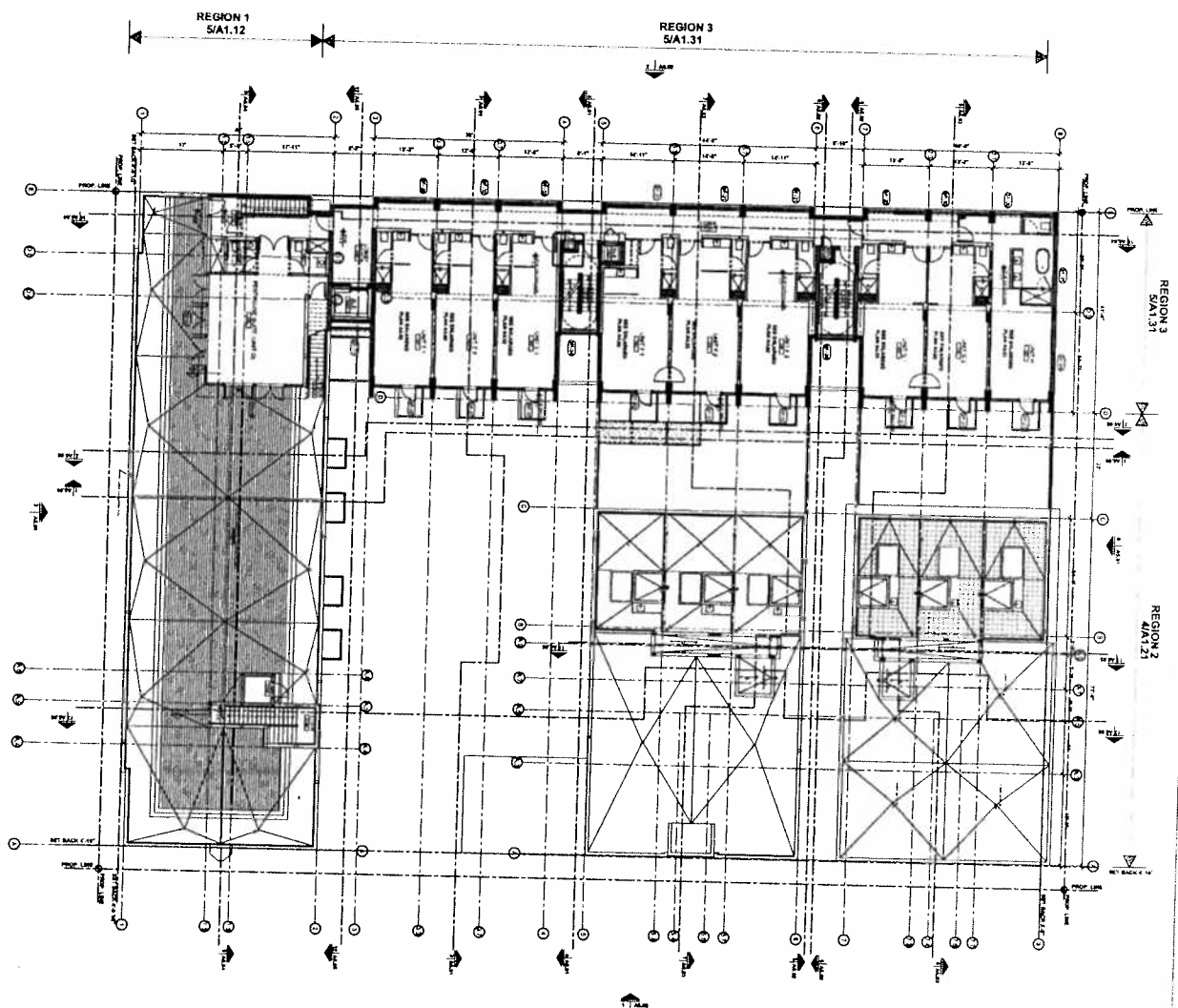


FAIRWIND HOTEL  
1000-1030 COLLINS AVENUE, MIAMI BEACH  
DESIGN DEVELOPMENT



ALLAN I. SHULMAN ARCHITECT, P.A.  
(AR 0012763)  
100 NORTH LEAST 90th STREET  
MIAMI BEACH, FLORIDA 33137  
PHONE: (305) 438-2400  
FAX: (305) 438-0170

1 FIFTH FLOOR PLAN  
SCALE 3/8" = 1'-0"



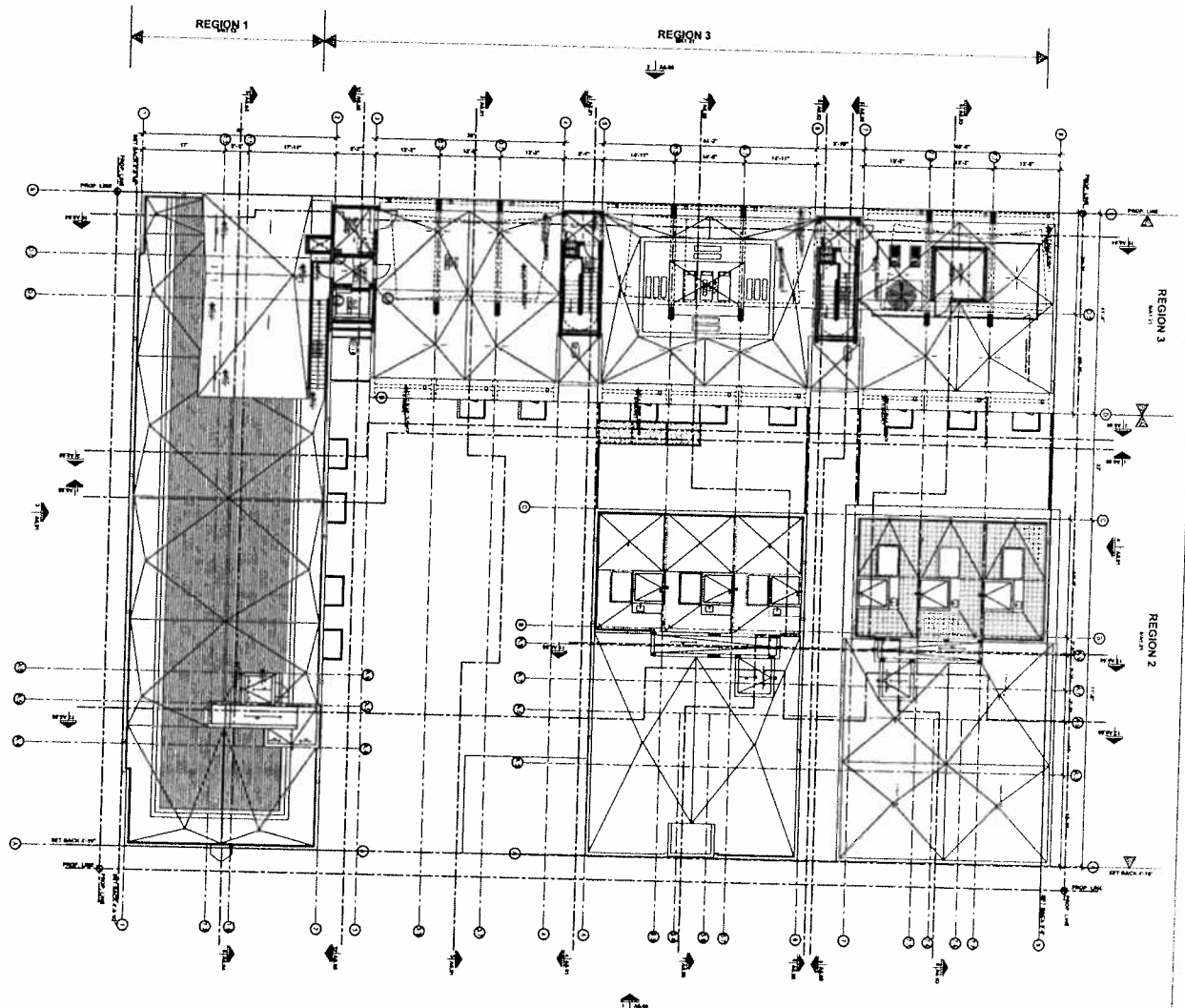
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**FAIRWIND HOTEL**  
 1000-1030 COLLINS AVENUE, MIAMI BEACH  
 DESIGN DEVELOPMENT



**ALLAN T. SHULMAN ARCHITECT, P.A.**  
 (A.R. 0012783)  
 400 NORTH EAST 2ND STREET  
 MIAMI BEACH, FLORIDA 33137  
 PHONE (305) 438-8000  
 F.A.X. (305) 438-0170

1 SIXTH FLOOR PLAN  
SCALE 3/8" = 1'-0"



A-1.06

DATE: 10/15/03  
DRAWN BY: [illegible]  
CHECKED BY: [illegible]

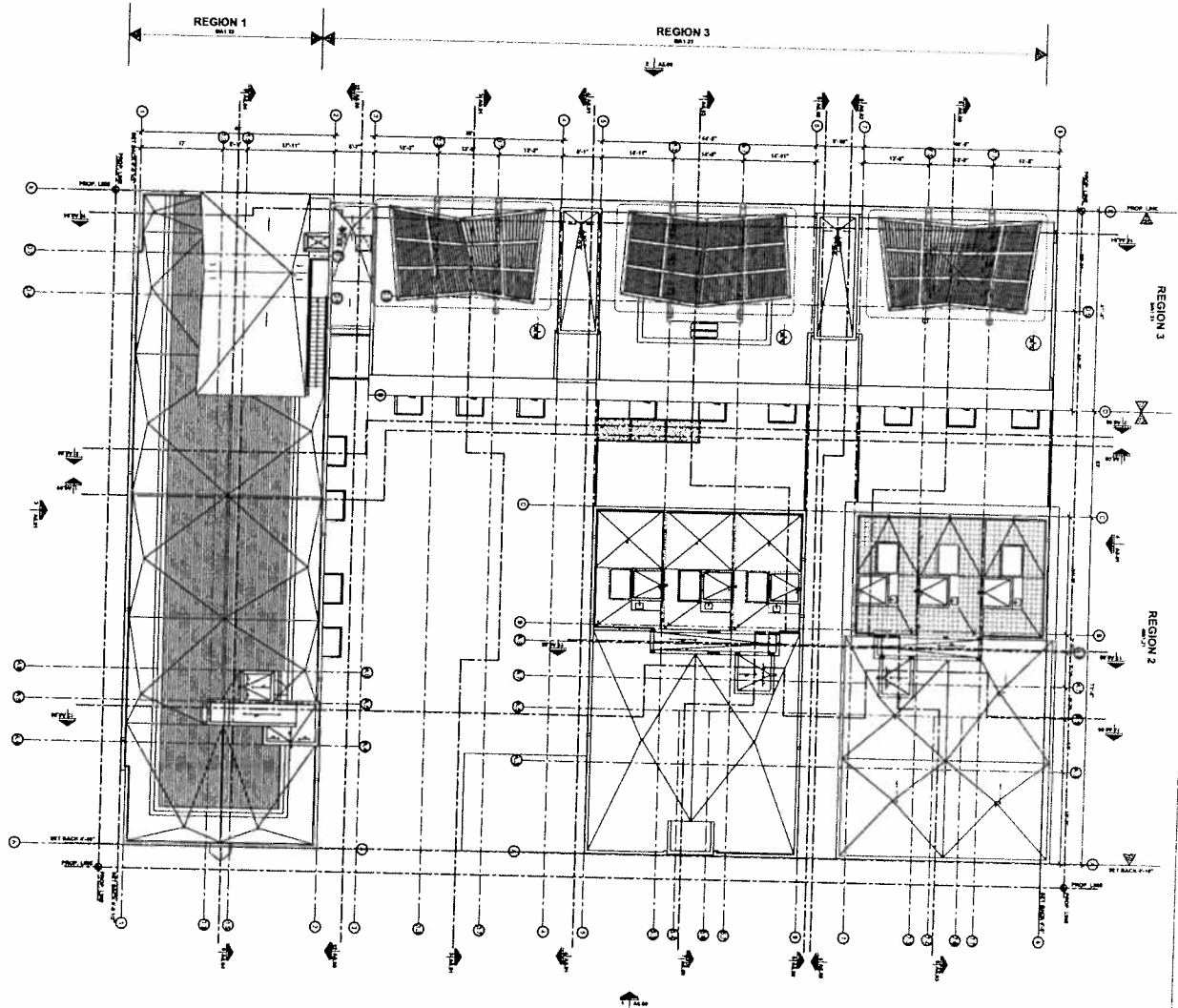


FAIRWIND HOTEL  
1000-1030 COLLINS AVENUE, MIAMI BEACH  
DESIGN DEVELOPMENT



ALLAN T. SHULMAN ARCHITECT P.A.  
(AR 0012763)  
10 NORTH EAST 5TH ST  
MIAMI, FLORIDA 33137  
PHONE: (305) 436-0066  
FAX: (305) 436-0170

1 ROOF FLOOR PLAN  
SCALE 3/8" = 1'-0"



A-1.07

DATE: 08/11/07  
 DRAWN BY: J. SHULMAN  
 CHECKED BY: J. SHULMAN  
 APPROVED BY: J. SHULMAN



FAIRWIND HOTEL  
 1000-1030 COLLINS AVENUE, MIAMI BEACH  
 DESIGN DEVELOPMENT



ALLAN T. SHULMAN ARCHITECT, P.A.  
 (A/R 0012703)  
 100 NORTH EAST 96th STREET  
 MIAMI, FLORIDA 33157  
 PHONE: (305) 438-0006  
 F.A.X: (305) 438-0170



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139. [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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

May 25, 2007

State of Florida Building Commission and Accessibility Advisory Council  
Department of Community Affairs  
Office of Codes and Standards  
2555 Shumard Oaks Boulevard  
Tallahassee, FL 32399-2100

Re: 1000 - 1030 Collins Avenue - The Fairwind Hotel

Dear Sir/Madam:

The City of Miami Beach Historic Preservation Board has approved a Certificate of Appropriateness for the substantial renovation and restoration of the above noted hotel complex. Constructed in 1936, and designed by L. Murray Dixon, the Fairwind Hotel is designated contributing in the Miami Beach Historic Properties Database and is located within the Ocean Drive/Collins Avenue Local Historic District and the National Register Architectural District. Originally named the 'Fairmont', the subject structure is a fine example of a modest, low scale hotel, executed in the Art Deco style.

In addition to possessing a strong neighborhood context with the existing structures to the immediate north and south, the subject structure has retained remarkable integrity with regard to exterior architectural features. Features in this regard include a symmetrical front facade with a strong fin-like vertical element, which divides the building into two equal parts and contains the original building sign, eyebrows above the windows on the upper two floors of the front elevation, which wrap around to the first window bay on the north and south elevations, and projecting horizontal window bays on the south elevation.

The applicant is proposing a complete renovation of the existing Fairwind Hotel, including the replacement of all windows and doors and restoration of the lobby. The project includes the addition of a new elevator, construction of a single story roof-top addition, and the removal of a non-original canopy. A non-historic outdoor dining patio and associated canopies will be demolished and replaced with a new patio area. A single story dining room, trash room, and four parking spaces will also be demolished.

The Historic Preservation Board and the Planning Department are supportive of the changes to the existing structure reflected in the application. Even with the changes proposed, the existing building will still maintain its historic status, as it will be substantially rehabilitated.



May 25, 2007

Page 2 of 2

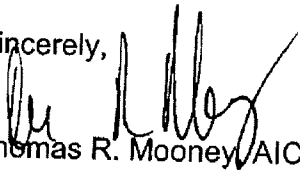
1000 - 1030 Collins Avenue - Fairwind Hotel

However, the Historic Preservation Board would not permit the view corridor between the existing 1020 / 1030 buildings to be blocked, thus preventing the addition of an elevator in this space, nor was an elevator permitted on the south elevation of the building, as it would be visible from the courtyard.

In light of the significance of this restoration project, the Planning Department, on behalf of the Historic Preservation Board, strongly urges the Florida Building Commission and its Accessibility Advisory Council to grant a waiver from the requirements of Florida Statute section 553.509, which states that every level of a building must be wheelchair accessible.

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

TRM:tm

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