

GREENVIEW HOTEL

Issue: Vertical accessibility to various levels in the building and size of existing elevator.

Analysis: The applicant is requesting a waiver from providing an elevator with interior dimensions in compliance with the current code. The elevator has a door that provides a 33" clear opening and has interior dimensions of 33" x 50". It is adjacent to exist stairs and corridors and cannot be enlarged without encroaching on the means of egress. The first guest room floor is elevated and due to structural constraints, cannot be served by the elevator. The width of steps from the lobby entrance level do not permit installation of an inclined lift. The lobby is one riser above the main entrance level and cannot be ramped because of historic preservation requirements. The applicant proposes to maintain a portable ramp for access to this area. Some of the rooftop additions proposed guest rooms are intended to have a sunning are accessed by spiral stairs. This area cannot be served by an elevator because the penthouse would violate zoning regulations.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all levels in the building as required by Section 553.509, Florida Statutes and elevator dimensions as required by ASME A17.1-1990.

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.

**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: GREENVIEW HOTEL

Address: 1671 Washington Avenue, Miami Beach, Florida 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: Robert S. Fine, Esq., AIA

Applicant's Address: Greenberg Traurig, P.A., 1221 Brickell Avenue, Miami, Florida 33139

Applicant's Telephone: 305-579-0826 FAX: 305-961-5826

Applicant's E-mail Address: FineR@gtlaw.com


Relationship to Owner: Legal counsel

Owner's Name: Greenview Hotel, LLC

Owner's Address: 1671 Washington Avenue, Miami, Florida 33139

Owner's Telephone: 305-864-3777 (Attn: Lianet) FAX 305-673-1384

Owner's E-mail Address: c/o Applicant

Signature of Owner: Marcelo Tenenbaum 

Contact Person: Robert S. Fine, Esq., AIA

Contact Person's Telephone: 305-579-0826 E-mail Address: finer@gtlaw.com

This application is available in alternate formats upon request.

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.)

Small 3 story historic hotel with 45 guest rooms. Proposed rooftop addition to add 10 guest rooms.

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

Cost is not a factor for the hardship bases for the waivers sought in this application. Further, project is still under design and therefore, project cost is not yet available.

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: § 553.509, Fla. Stat.; § 11-4.1.6(1)(f), FBC (2007); § 11-4.1.6(3)(c)(ii), FBC (2007). Vertical accessibility in an elevator that does not provide a clear floor space of 48" x 48" minimum or a door with a 36" clear opening.

Issue

2: § 553.509, Fla. Stat.; § 11-4.1.6(1)(f), FBC (2007). Vertical accessibility to the elevated first floor of guest rooms that is not served by the elevator, typical of many of the historic hotels in South Beach of the same era.

Issue

3: § 553.509, Fla. Stat.; § 11-4.1.6(1)(f). Vertical accessibility to the portion of the historic lobby that is one riser higher than the main entrance level.

Issue

4: § 553.509, Fla. Stat.; § 11-4.1.6(1)(f). Vertical accessibility to the level of rooftop sun areas provided to some of the rooms on the proposed rooftop addition.

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.

The subject property contains an existing elevator with interior clear dimensions of 33" deep x 50" deep with a door that provides a 33" clear opening. The property is a small historic hotel with a small elevator. Because of the elevator's location being adjacent to various means of

egress (exit stairs and corridors), the elevator cannot be enlarged without impermissibly encroaching these means of egress.

The hotel has an elevated first guest room floor that is not, and cannot be, served by the elevator. Because of the width of the steps from the lobby entrance level to the first floor's nominal 60" wide (58-1/2" actual) corridor, an inclined lift may not be used to provide vertical accessibility as it would encroach the required means of egress.

The raised area of the lobby (up one riser from the main lobby) cannot be ramped due to historic preservation concerns. However, any goods, services, privileges and benefits that are provided to the public on this level will be provided on the main lobby level. The project also proposes to maintain a portable ramp to allow access to this raised area.

Some of the rooftop addition's proposed guest rooms are currently intended to have a rooftop sunning area accessed by spiral stairs. This level is not able to be accessed by the elevator because the necessary elevator overhead space would violate applicable zoning parameters.

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

Not applicable -- Bases for waiver hardship(s) are not financial

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.

Not applicable. Basis for waiver hardship is technical infeasibility in a qualified historic building.

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. Not applicable. Basis for waiver hardship is technical infeasibility in a qualified historic building.

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 Greenview Hotel is a relatively small, well preserved historic art deco hotel in Miami Beach's historic Art Deco District. It's design is typical of hotels of its period with a fairly large lobby (in this case with two levels, one riser apart), an elevated first floor of guest rooms not serviced by an elevator, and an elevator to the upper floors but which is undersized by today's standards. The project includes a "paint and paper" renovation of existing guest rooms and subject to zoning approval, a rooftop addition that will contain 10 guest rooms. The guest rooms in the proposed addition may be accessed by the elevator.

The elevator has interior clear dimensions of 50" wide by 33 inches deep (35" deep at the door recess), which is less than the 48" x 48" allowed in alterations, and the door provides a 33" clear opening which is less than the 36" prescribed for new elevators but wider than the 32" clear opening required for most doors. There are obviously major technical difficulties in removing and replacing an elevator shaft (which acts as a shear-resisting structure) in a delicate historic building but the bigger issue comes from the fact that the dimension of greatest (accessibility) concern is the depth. Directly behind elevator shaft is a required egress stair and in front of it is a corridor that is a required means of egress. We believe that the code requires a new elevator in a new shaft to be a full-size elevator, not 48" x 48." However, even if we were allowed to enlarge the shaft moving forward (it cannot move back due to the stair), the increase of 15" minimum in depth would impermissibly encroach the corridor in front, part of the required means of egress. Therefore, it is our opinion that enlarging the elevator to either new code specifications or the smaller 48" x 48" allowed for existing elevators in alterations would be technically infeasible.

The stair from the lobby to the first floor guest rooms level narrows to 58-1/2 at the top, the finished width of the corridor. The stair is sandwiched between the elevator on one side and the historic front desk (which must be preserved) on the other. This would allow only a wheelchair stair lift (such as a Garaventa lift) to be used. However, because of the width of the stair and encroachment of the lift, the lift would encroach the required means of egress and would not be approved by the fire marshal. For that reason, we feel that providing a lift to the first elevated level would be technically infeasible.

In the historic lobby, there is a section, probably about 25% of the total lobby area that is elevated by one riser from the main lobby level. Because of historic preservation concerns, the City of Miami Beach historic preservation department will not allow us to install a permanent ramp (the floor is considered to be a historic element in this building). All of the functions and amenities of the raised area are available on the lower area. In addition, because the level change is only one riser high, we have recommended our client maintain a portable ramp so that a person with a disability that will not allow them to use the stair can access the upper level if they wish.

The proposed rooftop addition, which is being designed to not compromise the historic designation of the Greenview may have several (but likely less than half) of its guest rooms with a spiral stair to a roof area directly above the guest rooms. Because of zoning restrictions, we

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 7 day of May, 2010



Signature

Robert S. Fine, Esq., AIA
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 City of Miami Beach

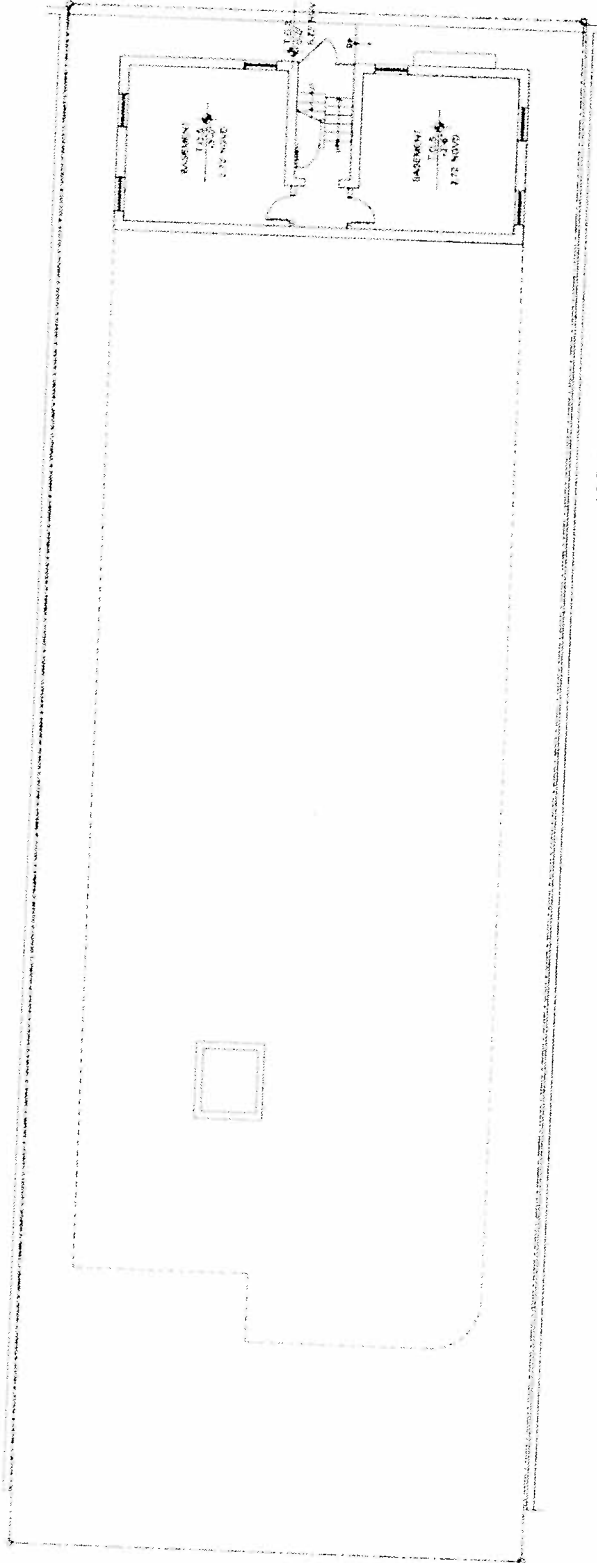
Building Official or Designee _____
Signature

Printed Name _____

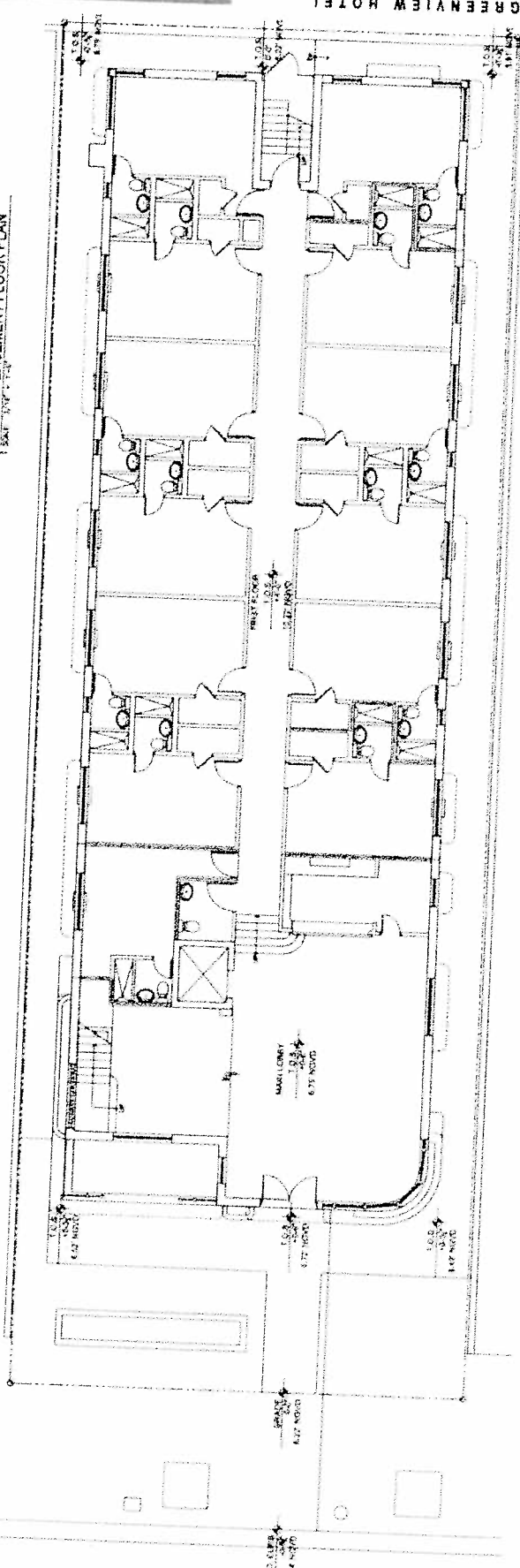
Certification Number _____

Telephone/FAX _____

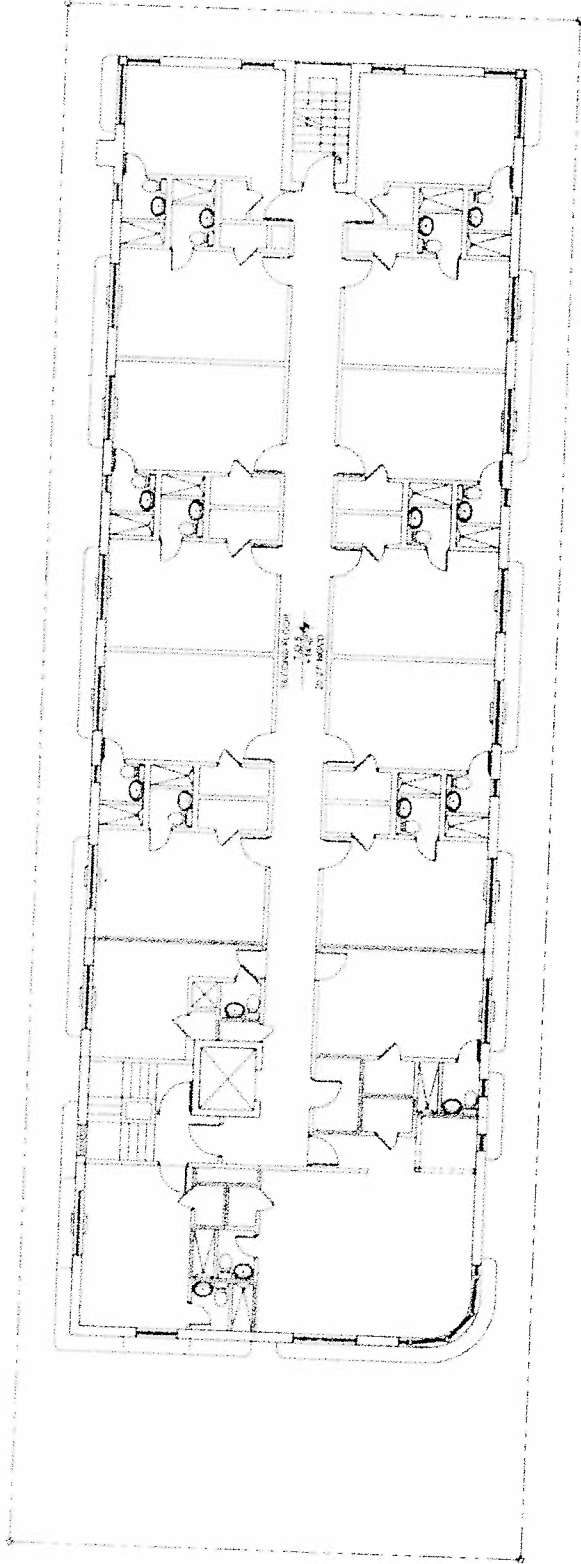
Address: 1700 Convention Center Drive, 2nd Floor, Miami Beach, FL 33139



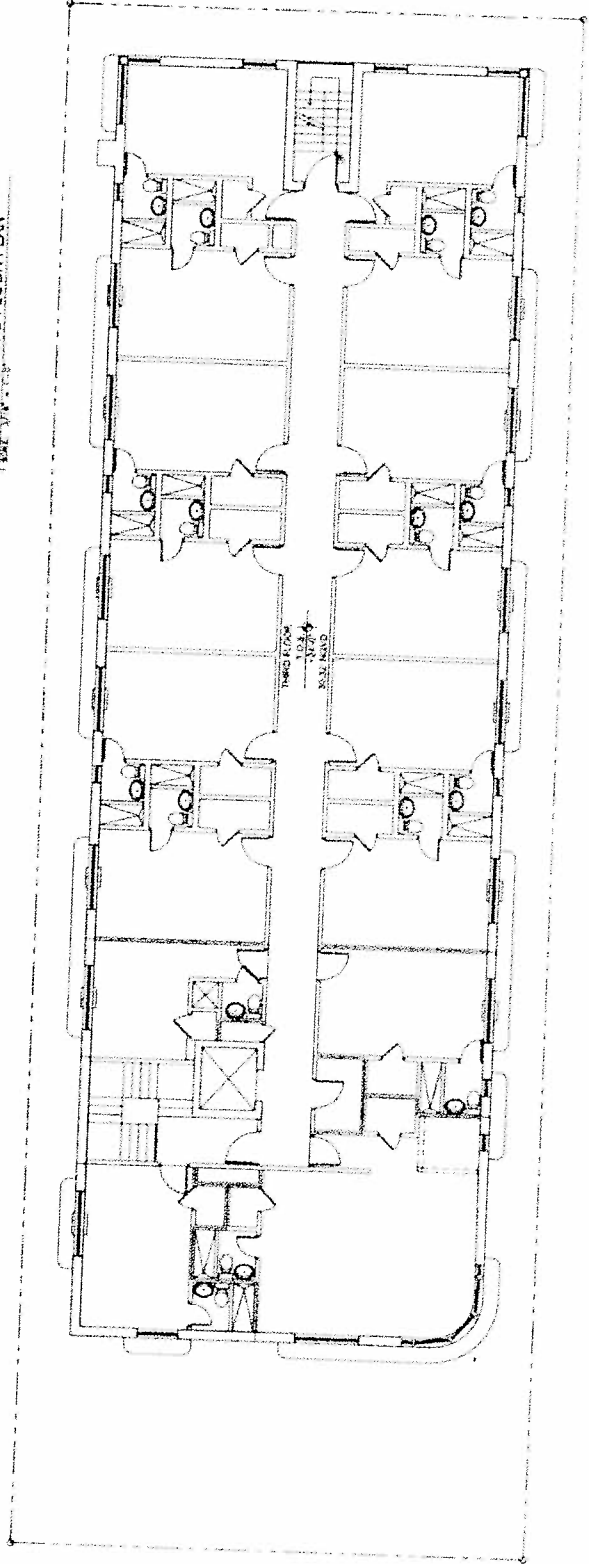
1 AS-BUILT BASEMENT FLOOR PLAN



2 AS-BUILT FIRST FLOOR PLAN



1 AS-BUILT SECOND FLOOR PLAN

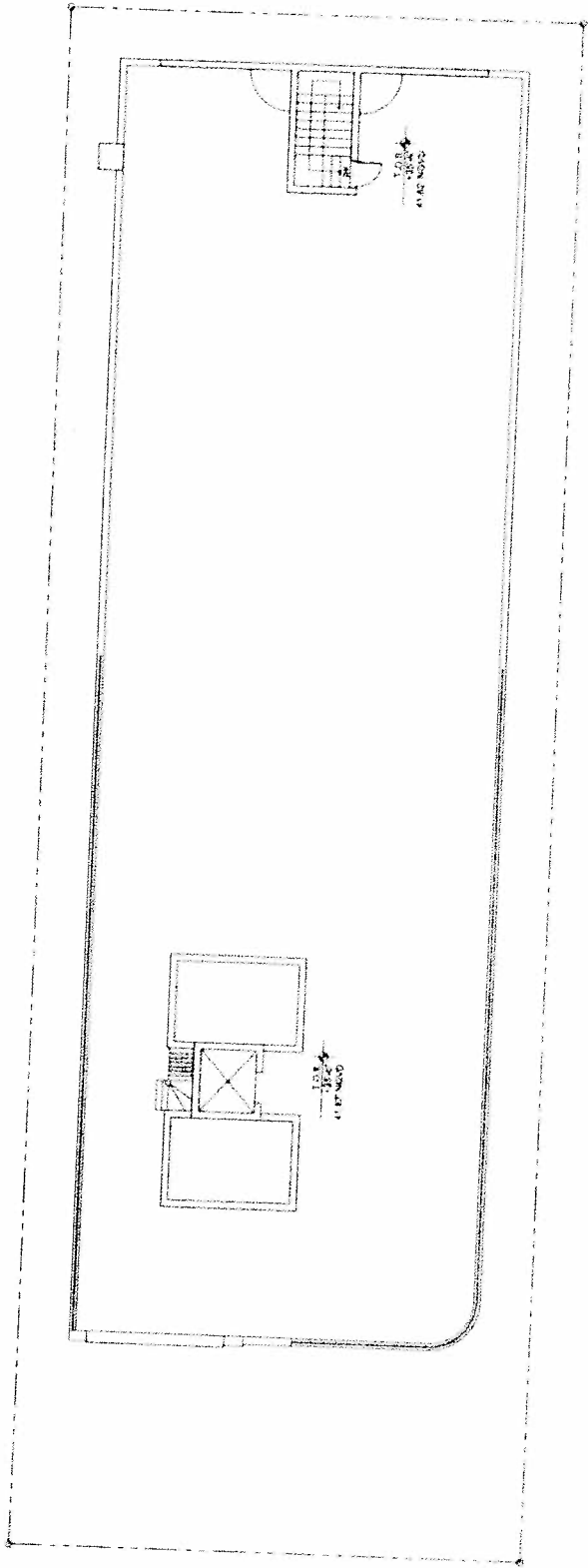


2 AS-BUILT THIRD FLOOR PLAN

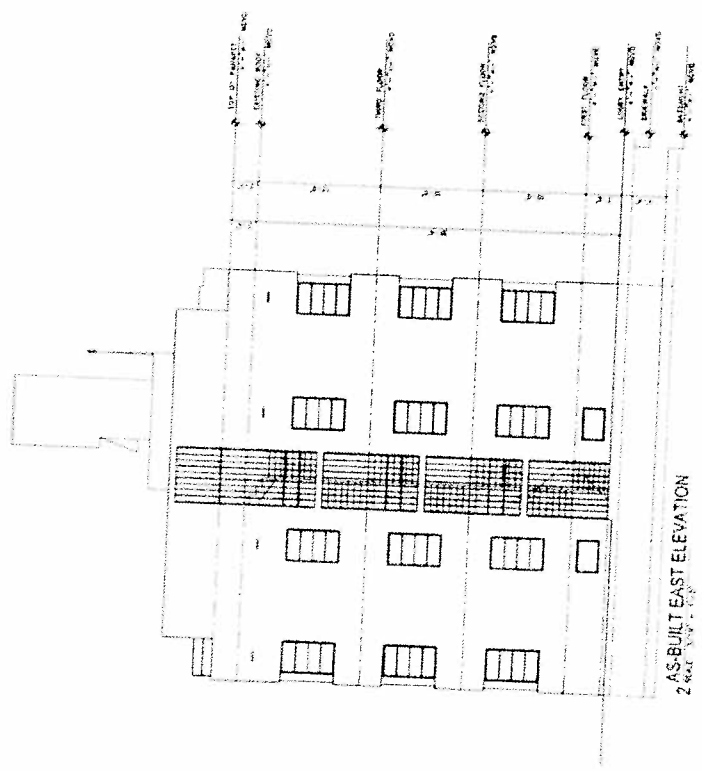
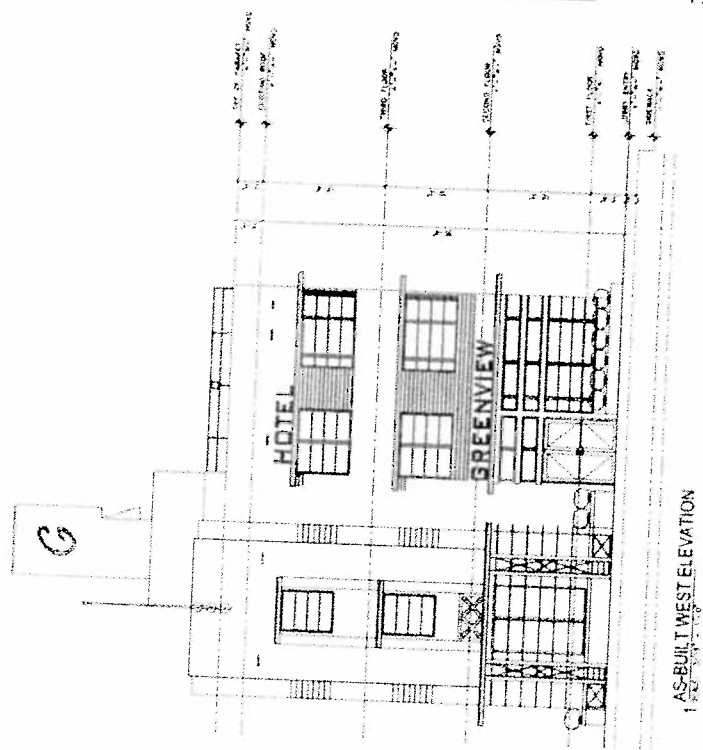
SHULMAN & ASSOCIATES
1201 NW 33RD STREET, SUITE 200, MIAMI, FL 33135
WWW.SHULMAN-ASSOCIATES.COM
APRIL 28, 2010

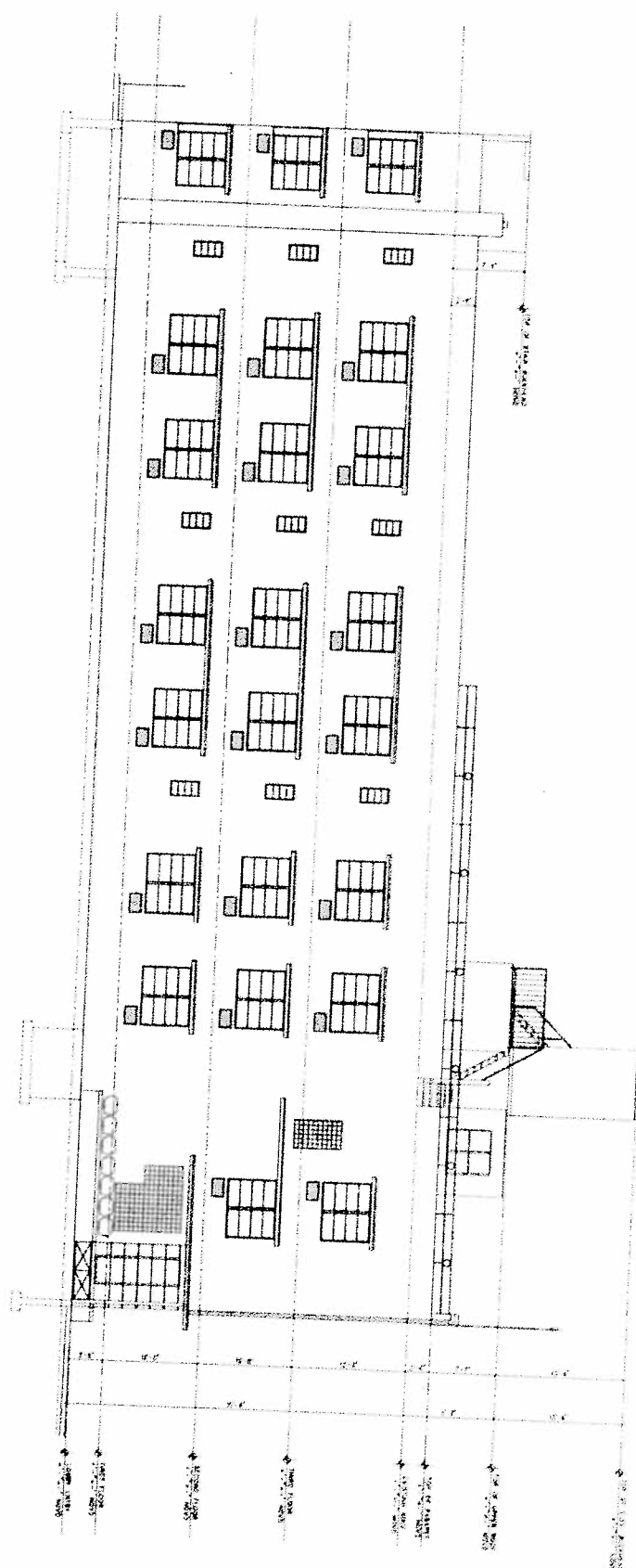
GREENVIEW HOTEL
1871 WASHINGTON AVENUE
MIAMI BEACH, FL 33139
APRIL 28, 2010

AB-1.3



AS-BUILT ROOF PLAN
1871 WASHINGTON AVENUE

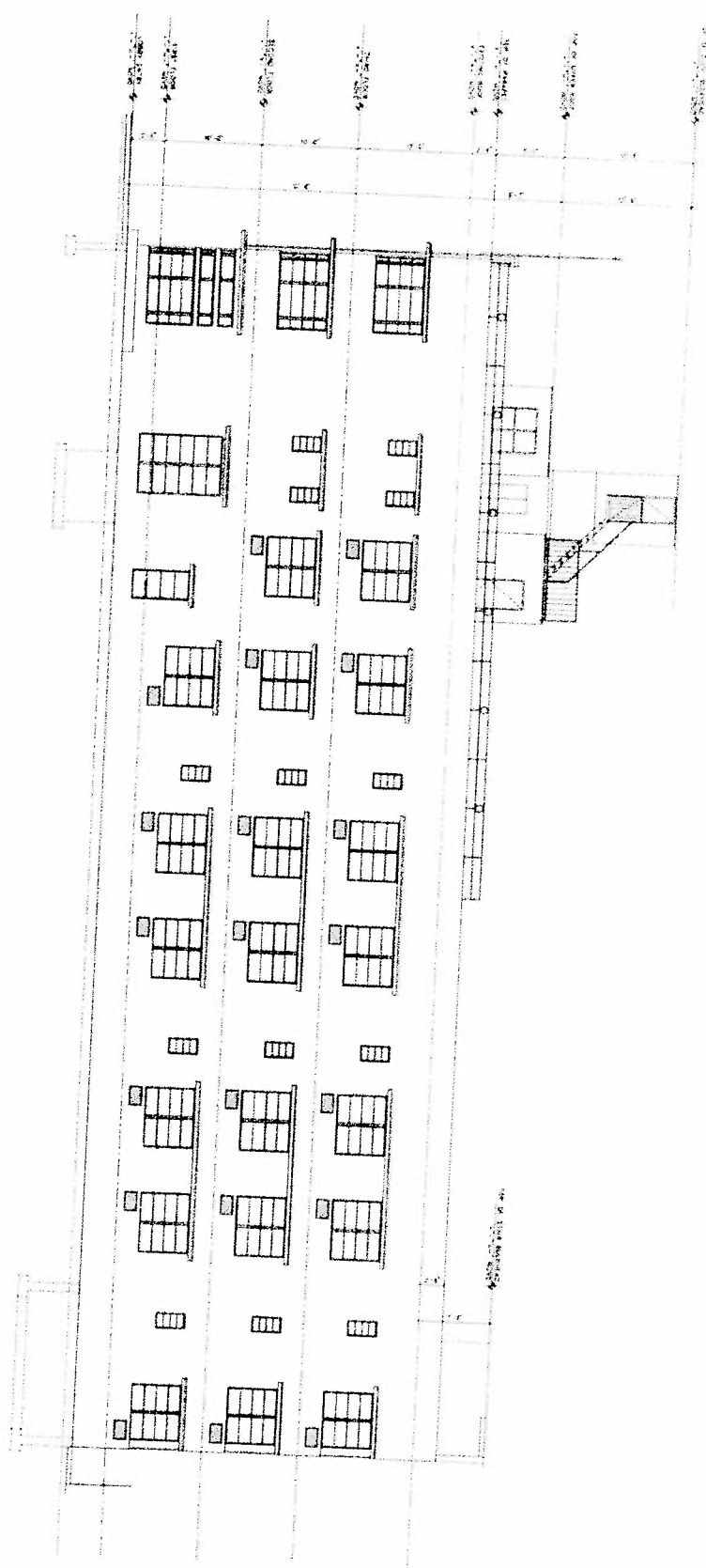




AS-BUILD NORTH ELEVATION

AB-2.2
 GREENVIEW HOTEL
 1671 WASHINGTON AVENUE
 MIAMI BEACH, FL 33139
 APRIL 26, 2010

SHULMAN + ASSOCIATES
 180 WASHINGTON STREET, SUITE 2000, MIAMI, FL 33139
 TEL: 305.375.1111 FAX: 305.375.1112
 WWW.SHULMAN-ASSOCIATES.COM
 5 A

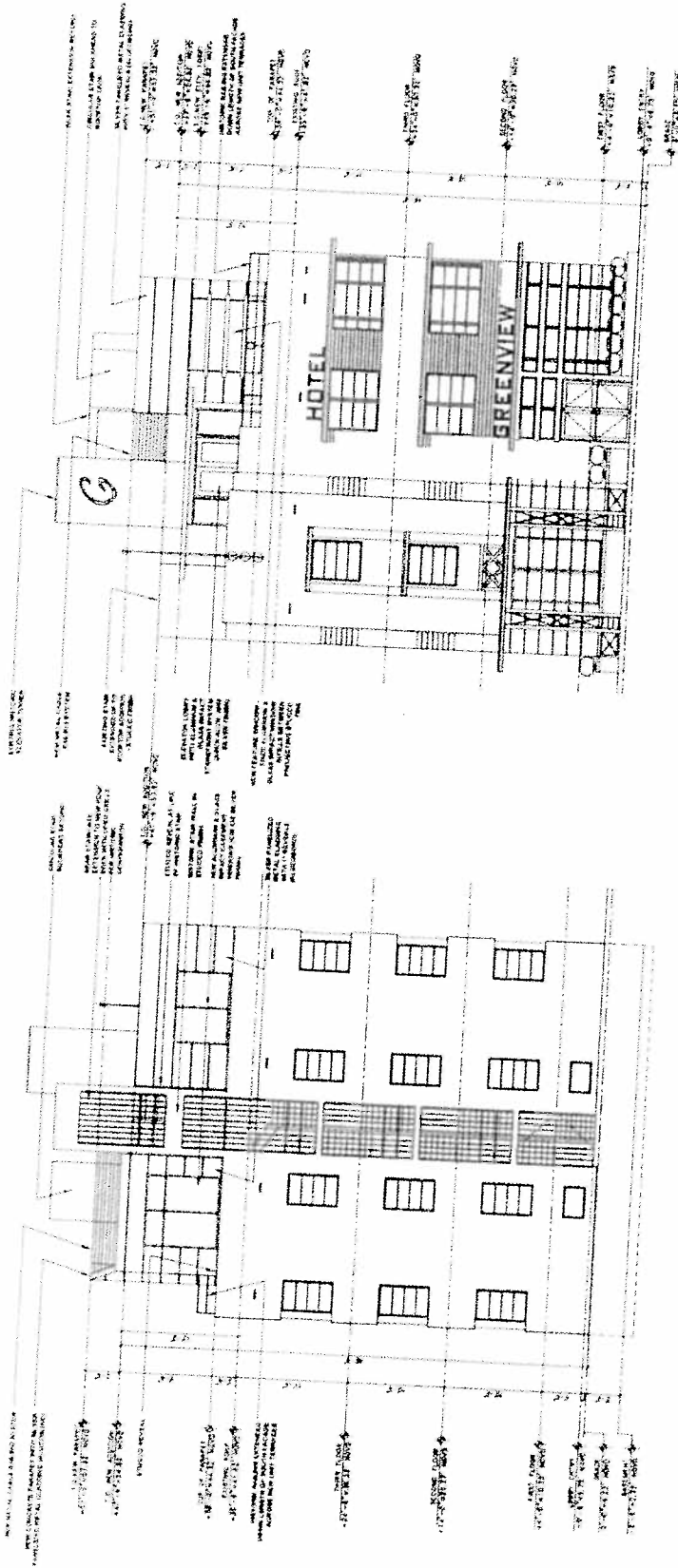


ASBUILT SOUTH ELEVATION

AB-2.3
 GREENVIEW HOTEL
 1671 WASHINGTON AVENUE
 MIAMI BEACH, FL 33139
 APRIL 28, 2013

SHULMAN + ASSOCIATES
 34 52 1814 WICKHAM ROAD - MIAMI, FL 33141
 TEL: 305-492-0000 FAX: 305-492-0001
 WWW.SHULMAN-ASSOCIATES.COM
 34 52 1814 WICKHAM ROAD - MIAMI, FL 33141

S A



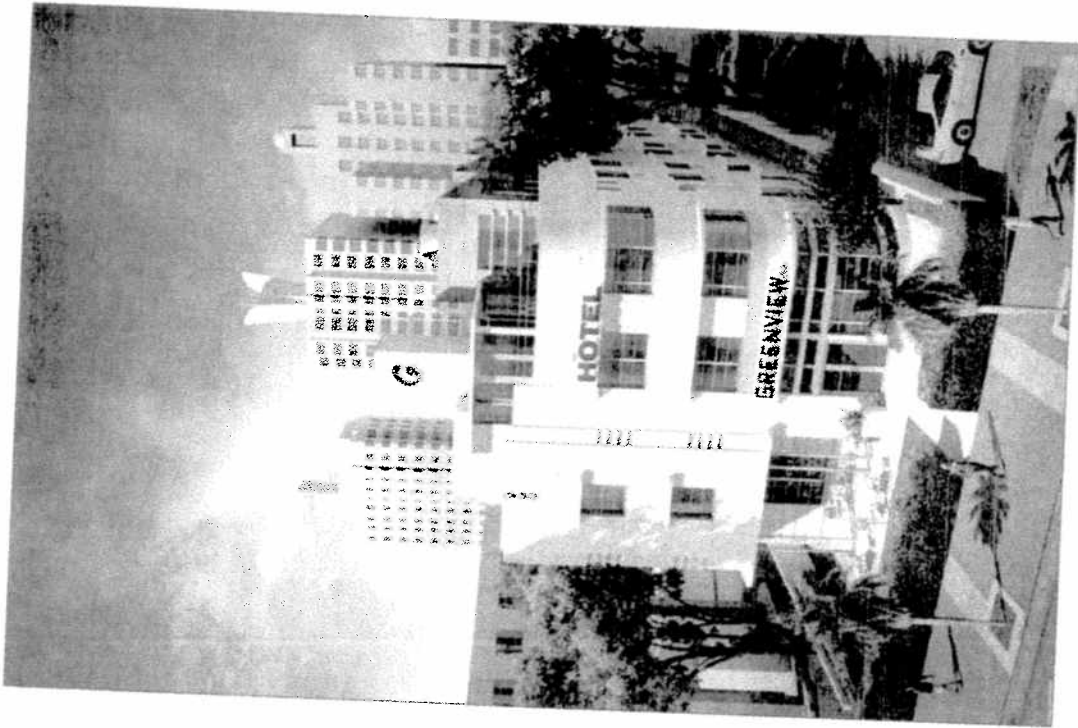
1 WEST ELEVATION

2 EAST ELEVATION

SMILAN + ASSOCIATES
ARCHITECTS
1000 BAYVIEW DRIVE, SUITE 1000
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GREENVIEW HOTEL
1ST WASHINGTON AVENUE
MIAMI BEACH, FL 33139
APRIL 28, 2010

A-R-0



RENDERING
1