

GREYSTONE HOTEL

Issue: Vertical accessibility to all levels of a hotel.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all levels of a hotel located in the Miami Beach Historic Ocean District. Two areas must be addressed. The first is from the main lobby up seven risers to the first floor. The second is providing access from the lobby area to the second and third floors. Because of the historic nature of the lobby, significantly modifying the steps would damage its significance and not be permitted. Furthermore, a stair lift from the lobby to the first floor would be technically infeasible because insufficient space is available and any such device would encroach on the means of egress. It would also be technically infeasible to provide access to the second and third floors via the existing elevator shaft which is smaller than the mandatory 48" x 48". A custom elevator would be prohibitively expensive and would not meet the National Elevator Code for a commercial facility. The project cost is \$88,100; however, the applicant is not claiming disproportionate cost as the basis of the waiver. It is because of technical infeasibility.

Project Progress:

The project is under design and construction.

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.

**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: _____ Greystone Hotel _____

Address: ___ 1920 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: ___ Robert S. Fine, Esq., AIA

Applicant's Address: ___ Greenberg Traurig, P.A., 1221 Brickell Avenue, Miami, Florida 33131

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: ___ Setai South Beach, Inc.

Owner's Address: ___ c/o Robert S. Fine, Greenberg Traurig, P.A. (legal counsel)

Owner's Telephone: _____ **FAX** _____

Owner's E-mail Address: _____

Signature of Owner: _____

Contact Person: ___ Robert S. Fine, Esq.

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.)

Hotel use. Building will contain a small number of hotel rooms, and offices for the operation of the Greystone Hotel and related hotel across the street.

5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** _____ \$88,100.00 for areas on upper levels containing primary functions. _____

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 proposed use of the building has changed since construction commenced.

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, Florida Statutes; 11-4.1.6 (1)(f) ; Vertical accessibility from the lobby level to the raised first floor.

Issue

2: _____ § 553.509, Florida Statutes; 11-4.1.6 (1)(f) ; Vertical accessibility from the lobby level to the second and third floors.

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.

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

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

[x] 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.

 Where applicable. Costs to provide vertical accessibility provided under separate cover.

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. Provided under separate cover.

b.

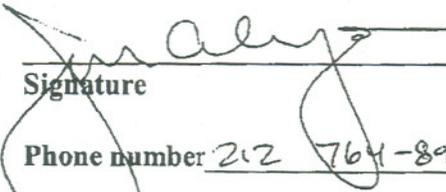
c.

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 historic Greystone Hotel located at 1920 Collins Avenue in the historic Miami Beach Art Deco District is the subject of this application for Waiver of Vertical Accessibility Requirements. There are two such issues in this application. The first involves providing vertical accessibility from the main lobby level up 7 risers to the first floor. The second issue is in regard to providing vertical accessibility from the lobby level to the second and third floors.

Without substantially altering the historic lobby of the Greystone (which would clearly threaten or destroy the historic character of the building) the only means of providing vertical accessibility from the lobby level to the raised first floor is by inclined lift. Unfortunately, due to the width of the stair, such a lift would unacceptably encroach this required means of egress. I have confirmed this both with a private fire protection engineering consultant and the fire marshal having jurisdiction. As such, it is my professional opinion that providing such a lift at this location would be technically infeasible.

Regarding providing access to the second and third floors, there is an existing elevator shaft that has not been in operation since prior to 1988 (it may be much earlier than that however, that is as far back as I have been able to research). The shaft is not sufficiently large to provide an elevator with a car of even 48" x 48" clear, or equivalent. Constructing a new larger shaft would likely be, in my opinion, technically infeasible but even if it were possible, expanding the shaft would require a significant alteration to the historic lobby. A much less expensive, but not inexpensive option would be to have a custom elevator car created that would fit in the existing shaft. Such a car, however, would not provide a minimum 48" x 48" clear or equivalent floor space. In addition, the cost to provide this undersized car would greatly exceed 20% of the cost of the alterations to the upper floors.


Juan Alayo

Signature _____ Printed Name _____

Phone number 212 764-8990

(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 10 day of February, 20 05


Signature

ROBERT S. FOWLE
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/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. FS Section 553.509 Vertical Accessibility to all levels requirement. _____
- 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 \$200,000.00

Comments/Recommendation: We recommend that the waiver be granted with the condition that vertical accessibility requirement be met to the extent that is not technically infeasible since the alteration was commenced without a building permit. The building inspector issued a notice of violation/stop work order for doing work without permit.

Jurisdiction: City of Miami Beach

Building Official: _____

Signature

Hamid Dolikhani/ Richard McConachie

Printed Name

BU00000853/ BU00000774

Certification Number

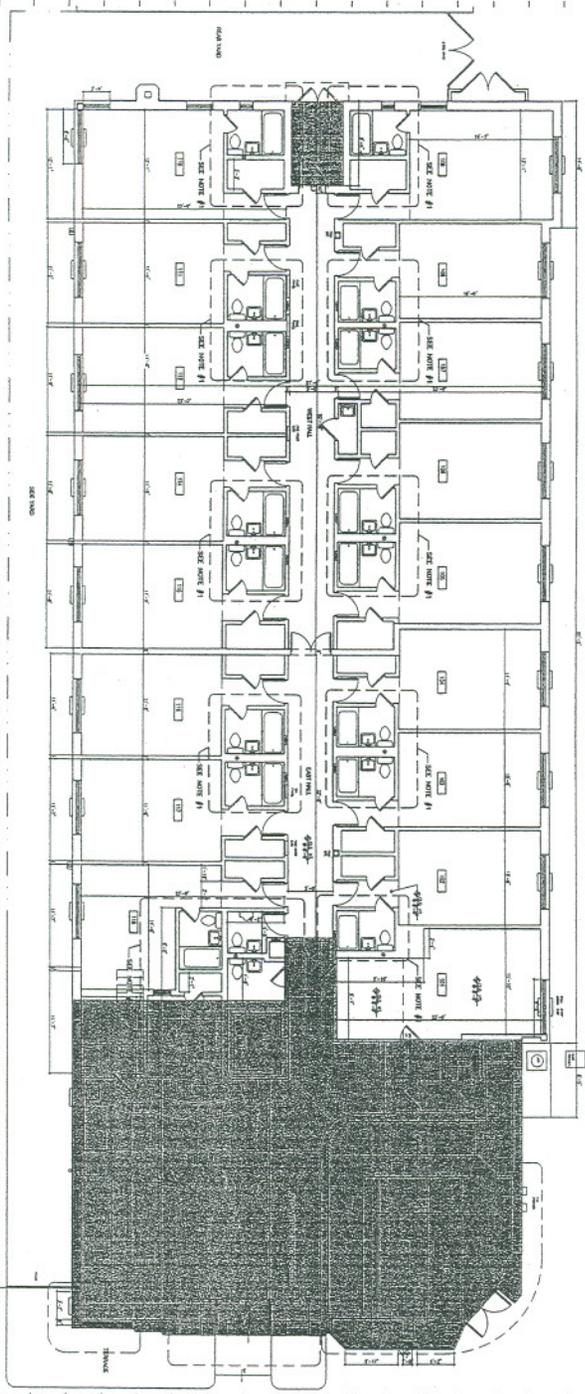
(305) 673-7000 Ext 6753 / (305) 535-7513

Telephone/Fax

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

Address

Address: 1920 Collins Av.
Miami Beach, FL 33139



20TH STREET

- NOTE:
1. REFER TO EXISTING FLOOR PLAN WITH NEW WALLS AND PARTITIONS TO BE ADDED.
 2. REFER TO EXISTING FLOOR PLAN WITH NEW WALLS AND PARTITIONS TO BE REMOVED.
 3. DIMENSIONS INDICATED ON ARCHITECTURAL.

FIRST FLOOR PLAN
Scale: 3/16" = 1'-0"

FIRST FLOOR PLAN
A1.01

Project	20th St. Hotel
Client	20th St. Hotel
Scale	3/16" = 1'-0"
Sheet	A1.01

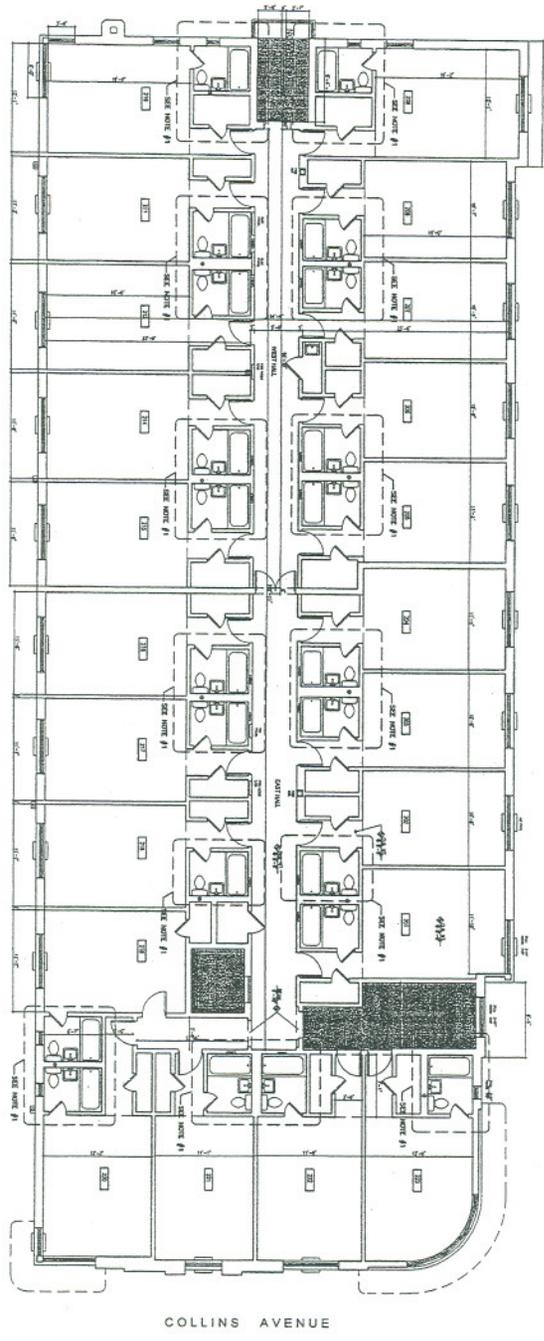
Greystone Hotel
1907 Cedar Avenue, South Beach, Florida

Builder's Owner:
20th St. Hotel, Inc.
1907 Cedar Avenue, South Beach, Florida
Tel: (305) 673-1111
Fax: (305) 673-1111
Architect:
20th St. Hotel, Inc.
1907 Cedar Avenue, South Beach, Florida
Tel: (305) 673-1111
Fax: (305) 673-1111

NOTE:
NO LOAD BEARING WALLS TO BE REMOVED.
ALL EXISTING WALLS AND PARTITIONS TO REMAIN UNLESS INDICATED OTHERWISE.

---	WALLS TO BE DEMOLISHED
----	NEW WALLS
-----	EXISTING WALLS TO REMAIN
	NOT INCLUDED IN SCOPE OF WORK

DATE: 11/12/10
DRAWN BY: J. L. B. / J. L. B.



20TH STREET

COLLINS AVENUE

- NOTE
1. REPLACE EXISTING UNDESIRABLE PARTITION WALLS WITH 1/2" GYP BOARD PARTITION WALLS.
 2. NEW PARTITION WALLS TO BE CONSTRUCTION OF 1/2" GYP BOARD PARTITION WALLS.

SECOND FLOOR PLAN
Scale: 3/16" = 1'-0"

Notes:
 1. See Notes on Plans
 2. See Notes on Specifications
 3. See Notes on Schedule
 4. See Notes on Details
 5. See Notes on Sections
 6. See Notes on Elevation
 7. See Notes on Foundation
 8. See Notes on Structural
 9. See Notes on Mechanical
 10. See Notes on Electrical
 11. See Notes on Plumbing
 12. See Notes on Fire Protection
 13. See Notes on Energy Conservation
 14. See Notes on Accessibility
 15. See Notes on Environmental
 16. See Notes on Safety
 17. See Notes on Security
 18. See Notes on Maintenance
 19. See Notes on Operations
 20. See Notes on Management

Legend:
 - - - - - WALLS TO BE DEMOLISHED
 - - - - - NEW WALLS
 - - - - - EXISTING WALLS TO REMAIN
 - - - - - ROOMS TO BE REMOVED
 - - - - - ROOMS TO BE ADDED

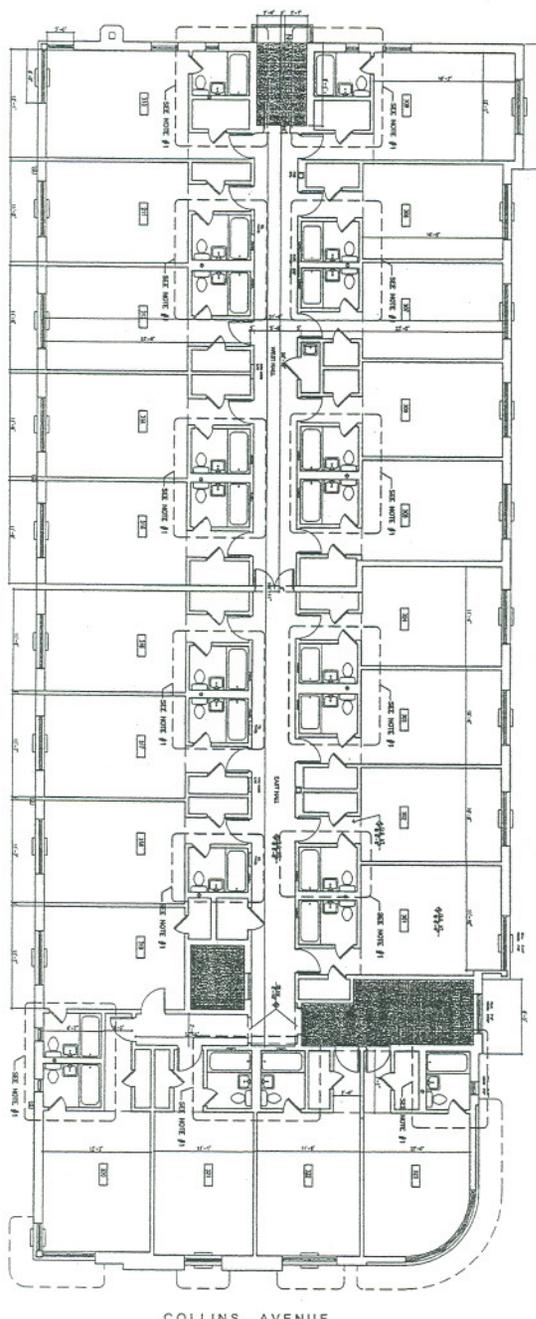
Building Owner:
 Geopostone Hotel
 150 Collins Avenue, Suite 1500, Miami, Florida
 33139
 Phone: (305) 372-1111
 Fax: (305) 372-1111
 Architect:
 [Faint text]

Geopostone Hotel
 150 Collins Avenue, Suite 1500, Miami, Florida
 33139



SECOND FLOOR PLAN

DATE	APPROVED	PROJECT NO.
11/15/00	[Signature]	A1.02
11/15/00	[Signature]	
11/15/00	[Signature]	



20TH STREET

COLLINS AVENUE

- NOTE
1. REFERENCE TO OTHER FLOOR PLANS IS BY ROOM NUMBER.
 2. ROOMS ARE TO BE FINISHED BY THE CONTRACTOR.

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

Notes: _____ Date: _____
 Drawn by: _____ 9/1/2009

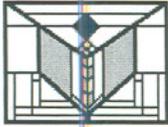
NOTE:
 ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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Building Owner:
 17175 SW 11th Ave, Suite 100
 Miami, FL 33185
 Architect:
 2000 Collins Avenue, Suite 1000
 Miami, FL 33139
 305.555.1111
 305.555.1111
 305.555.1111
 305.555.1111

GreyStone Hotel
 1700 Collins Avenue, South Beach, Florida

THIRD FLOOR PLAN

Sheet	305.555.1111
Scale	3/8" = 1'-0"
Date	9/1/2009
Drawn by	_____
Checked by	_____
Project No.	_____



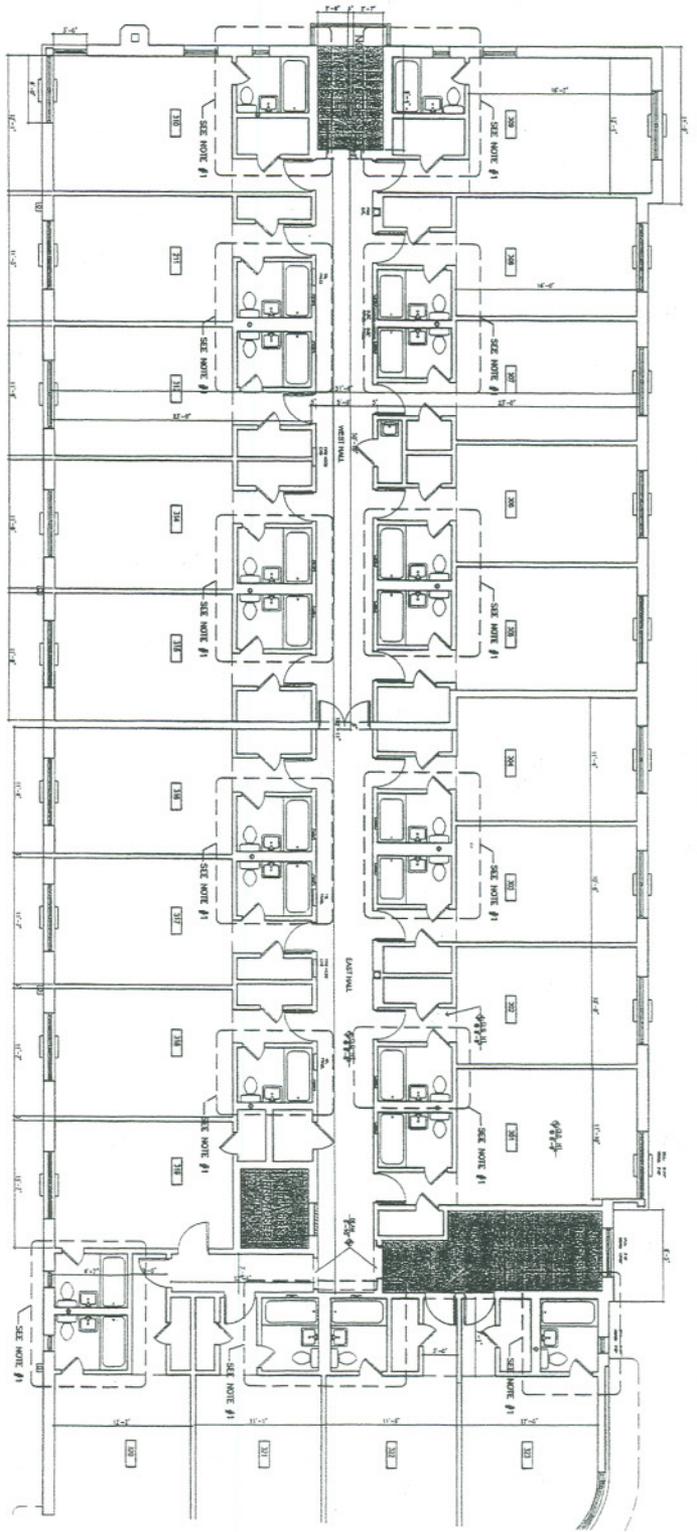
Mary-Kathryn
Smith/DCA/FLEOC
04/21/2005 09:26 AM

To finer@gtlaw.com
cc
bcc Mo.Madani@dca.state.fl.us Richard.Shine@dca.state.fl.us
Subject Greystone Hotel

Robert, this waiver application is still deficient in that I have no estimates, nor a review by the local building department. Although we have no statutory authority to make the building official's review mandatory, you must submit the estimates so I can complete the analysis. If I don't receive the estimates today, I have no choice but to defer review of this application again. Please let me know if you have any questions. MK

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

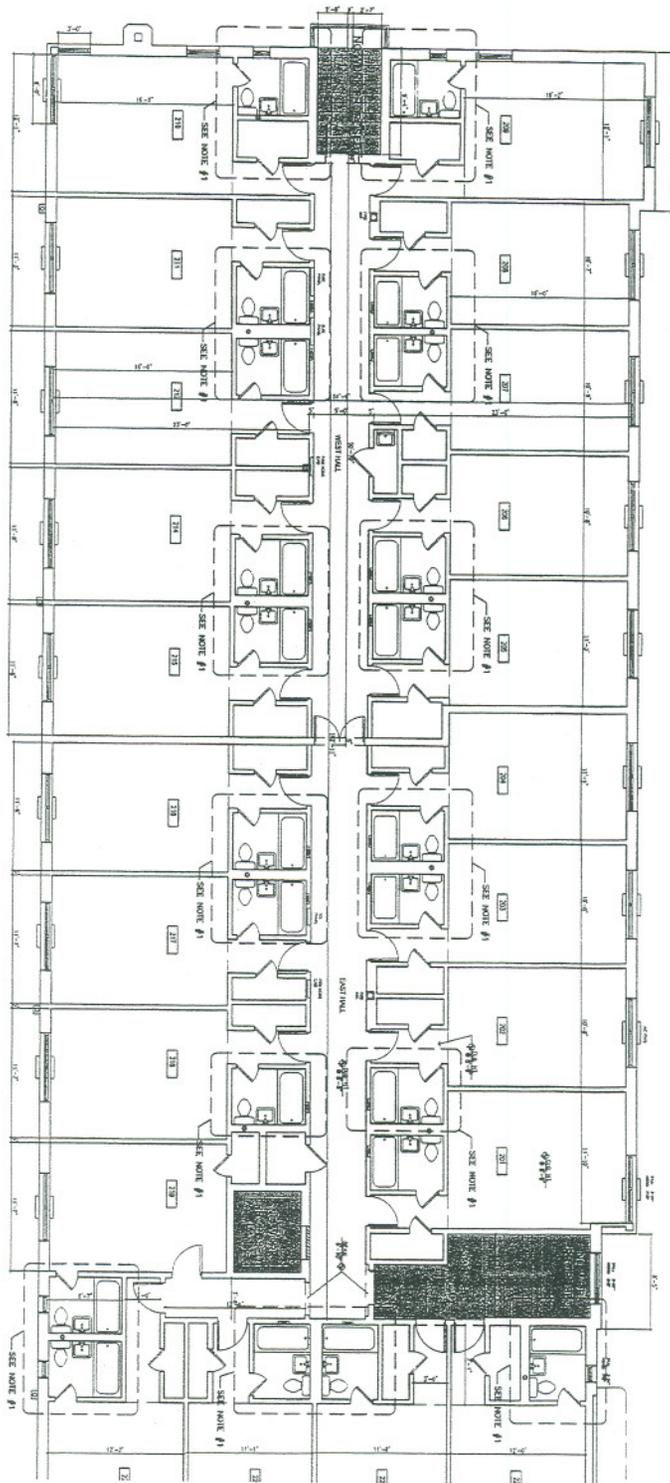
20TH STREET



- NOTE
- 1. REPLACE EXISTING PARTIALS WITH NEW
 - 2. NEW PAINT AND CARPET IN ROOMS
 - 3. NO WORK PROPOSED ON SHOWN AREA

1
THIRD FL.
Scale

20TH STREET



- NOTE
1. REFER TO EXISTING DRAWINGS WITH NEW REVISIONS SHOWN IN RED WITH NEW REVISIONS AND COVERED IN ROOMS.
 2. NO WORK PROPOSED ON SHADDED AREA.

1

