

## **NATIONAL HOTEL CABANA BUILDING**

**Issue:** Interior dimensions of an existing elevator.

**Analysis:** The applicant is requesting a waiver from providing a passenger elevator with dimensions complying with Section 11-4.1.6 of the Florida Building Code. The hotel itself is historic and the elevator in question is located in the cabana building on the same site, but which is not a historic structure. Increasing the size of the elevator to be code compliant is technically infeasible according to the applicant because doing so would encroach on the required means of egress as well as the required setback requirements and there is not sufficient space to make the engine room larger.

### **Project Progress:**

The project is in plan review.

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

Interior elevator dimensions as required by Section 11-4.1.6, FBC.

11-4.1.6(3)(c)(ii) Where existing shaft configuration or technicality prohibits strict compliance with Section 11-4.10.9, the minimum car plan dimensions may be reduced by the minimum amount necessary, but in no case shall the inside car area be smaller than 48 inches by 48 inches.

**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:** National Hotel Cabana Building

**Address:** 1677 Collins Avenue, Miami Beach, FL

**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, PA, 1221 Brickell Avenue, Miami, FL 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:** New National, LLC

**Owner's Address:** 1677 Collins Avenue, Miami Beach, FL 33139

**Owner's Telephone:** 786-999-6027    **FAX:**

**Owner's E-mail Address:** MSouprayen@nationalhotel.com

**Signature of Owner:**

**Contact Person:** Myriam Souprayen

**Contact Person's Telephone:** 786-999-6027    **E-mail Address:** MSouprayen@nationalhotel.com

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.)

4 story (non-historic) cabana building (containing hotel rooms) on the site of a historic hotel.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** Total cost of the project (including work that is not part of the disproportionate cost calculation) is approximately \$1.5 million.

**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: § 553.509, Fla. Stat. (2009); § 11-4.1.6(1)(k)(iii), Florida Building Code ("FBC")(2007 edition), Vertical accessibility to the occupiable levels above the main entrance level: in this matter, there is an existing elevator, however, its interior dimensions fall short of those prescribed in the FBC.

**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.

It is technically infeasible to increase the size of the depth of the elevator car in order to comply with the minimum car interior dimensions prescribed in the Alterations standards of Chapter 11.

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.

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. The hardship basis of this application is extreme and unreasonable hardship based on technical infeasibility.

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\_\_\_\_\_

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 National Hotel is an historic hotel situated in the south Miami Beach Art Deco historic district. The 4-story cabana building, which is not historic, is located on the same site, eastward of the main historic hotel building. The cabana building contains an elevator but its interior dimensions are 4'-11" wide by 3'-1" deep, which is less than the minimum allowed by Section 11-4.1.6(3)(c)(ii) of the FBC.

In order to increase the depth of the elevator sufficiently to comply with Section 11-4.1.6(3)(c)(ii), the elevator shaft would have to be extended either forward toward the door of the elevator, or in the opposite direction towards the rear of the car. If the elevator shaft is extended forward, it will encroach a required means of egress. If the elevator shaft is extended rearward, it will impermissibly encroach the 5 foot sideyard setback and service corridor from the rear of the property to the street. In addition, a new larger elevator would require new, code compliant supporting equipment that will not fit within the existing elevator machine room and there is no available space to increase the size of, or to relocate, the room. These conditions will be illustrated on drawings provided with this application and presented to the Commission and Accessibility Advisory Council. Please note that there are no accessible guest rooms or other accessible elements located on the levels served by this elevator.

Because it is technically infeasible to increase the depth of the elevator, we request that this waiver be granted based on extreme and unreasonable hardship.

  
Signature

KOBI KARP  
Printed Name

Phone number 305.573.1818


(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 30 day of October, 20 09

  
Signature

Robert S. Fine, Esq.  
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: \_\_\_\_\_  
\_\_\_\_\_





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0714

**NATIONAL HOTEL**  
 CABANA BUILDINGS ACCESSIBILITY NUMBER REQUEST  
 1677 Collins Ave, Miami Beach, Florida  
 PROPOSED PLANS LEVELS 1-4

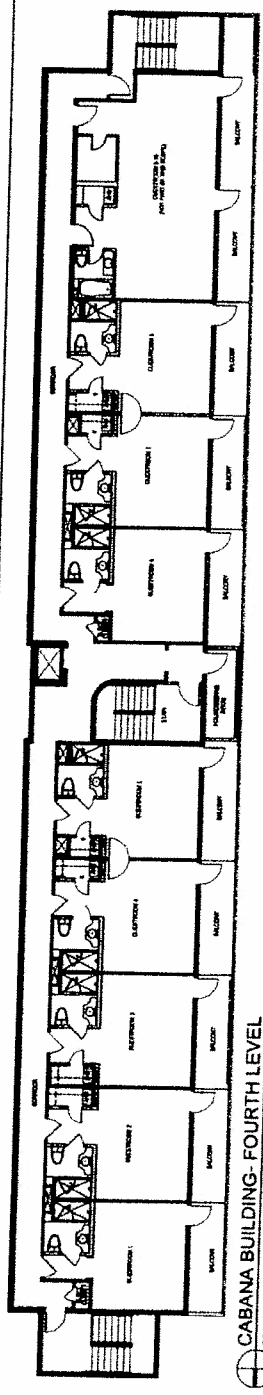
NEW NATIONAL LLC  
 1677 Collins Avenue  
 Miami Beach, Florida 33139

L.C. # A0012078

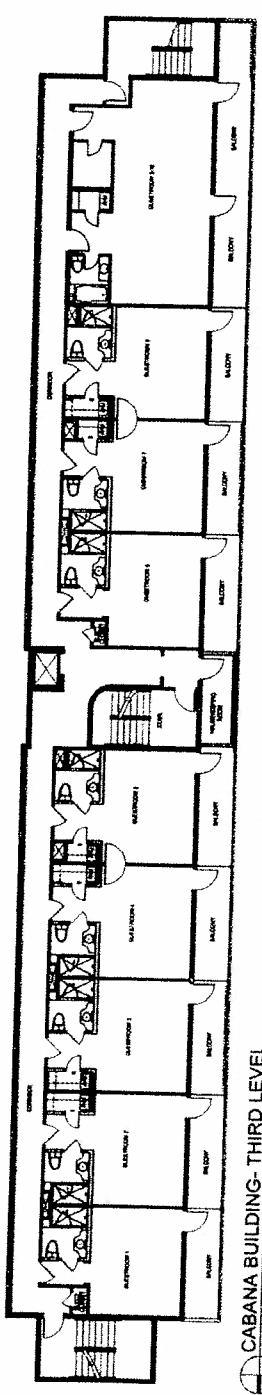
ARCHITECTING  
 INTERIOR DESIGN  
 PLANNING  
 AIA AIA20 NCARB  
 2075 Biscayne Boulevard  
 Suite 200  
 Miami, Florida 33137  
 WWW.KOBALP.COM

**A-100**

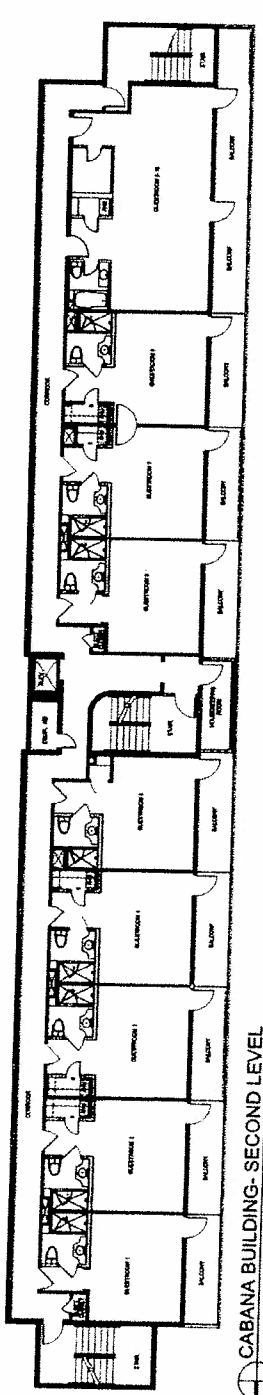
DATE: 11-20-18  
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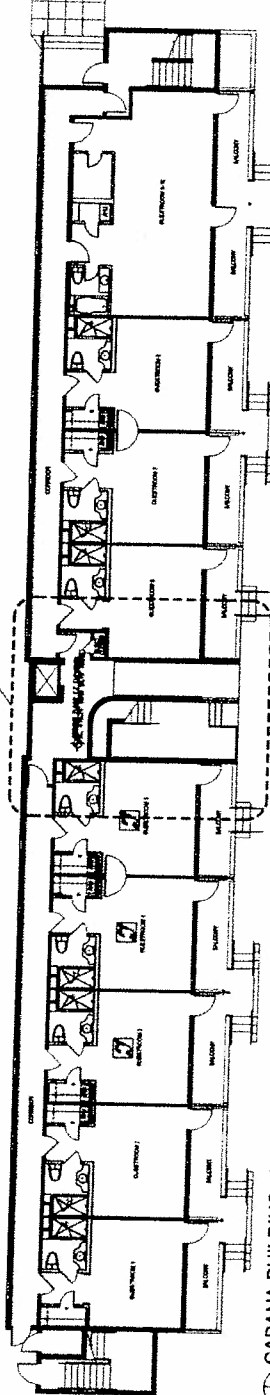
**CABANA BUILDING- FOURTH LEVEL**  
 SCALE: 1/8" = 1'-0"



**CABANA BUILDING- THIRD LEVEL**  
 SCALE: 1/8" = 1'-0"



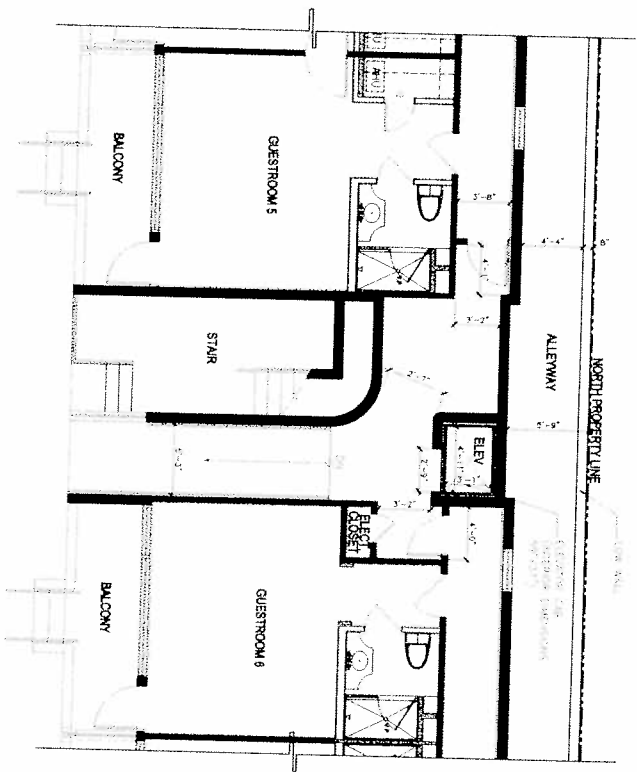
**CABANA BUILDING- SECOND LEVEL**  
 SCALE: 1/8" = 1'-0"



**CABANA BUILDING- GROUND LEVEL**  
 SCALE: 1/8" = 1'-0"  
 GROUND FLOOR ELEVATION: +137.4' MVD (8.1' NAVD)

**CABANA BUILDING - ENLARGED PLAN**

SCALE: 1/4" = 1'-0"



|                            |  |  |   |  |  |             |   |   |  |   |  |   |  |   |  |   |  |   |  |   |  |   |  |   |  |    |  |
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| <p>Drawing #<br/>A-101</p> |  | <p>ARCHITECTURE<br/>INTERIOR DESIGN<br/>PLANNING</p> <p>AIA ASID NCARB</p> <p>2975 Biscayne Boulevard<br/>Suite 200<br/>Miami, Florida 33137<br/>P 305 273 2828<br/>F 305 273 2788<br/>WWW.KOBKARP.COM</p> | <p>NEW NATIONAL LLC</p> <p>1877 Collins Avenue<br/>Miami Beach, Florida 33139</p> <p>LIC. # AR0012578</p> | <p>NATIONAL HOTEL<br/>CABANA BUILDING ACCESSIBILITY WAIVER REQUEST<br/>1677 Collins Ave., Miami Beach, Florida</p> | <p>CABANA BUILDING<br/>ENLARGED PLAN</p> | <p>0714</p> | <p>REVISIONS / SUBMISSIONS</p> <table border="1"> <tr><td>1</td><td></td></tr> <tr><td>2</td><td></td></tr> <tr><td>3</td><td></td></tr> <tr><td>4</td><td></td></tr> <tr><td>5</td><td></td></tr> <tr><td>6</td><td></td></tr> <tr><td>7</td><td></td></tr> <tr><td>8</td><td></td></tr> <tr><td>9</td><td></td></tr> <tr><td>10</td><td></td></tr> </table> | 1 |  | 2 |  | 3 |  | 4 |  | 5 |  | 6 |  | 7 |  | 8 |  | 9 |  | 10 |  |
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